



DELHI UNIVERSITY
LIBRARY

AMERICAN
LIBRARY LAWS

Second Edition

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EDITOR

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PUBLISHER'S STATEMENT

In view of the fact that many specialists have been involved in the assembling of this volume and that sections of the manuscript were carefully checked in the Library of Congress and in the several states, further checking in the publishing office seemed unnecessary. The manuscript was accepted therefore in the form in which it was received. To have made it consistent throughout would have required changes which might have led to errors. Imperfections which may be discovered are naturally inherent in a work of such magnitude, produced over a period of years, and under circumstances far from ideal.

WAR FORMAT

Any departure from usual A.L.A. style and standards of format in this book are the result of the war. Conservation of materials and labor through the use of lighter weight paper and smaller type contributes to the thinness of this book. Shifting personnel attributable to war-time conditions may also have resulted in inconsistencies of style and even in some typographical errors.

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latures had convened in most states and compilations often became obsolete as fast as they were gathered.

At the Boston meeting of the League in 1941, it was decided that the book should include all library legislation effective July 1, 1941. It was also agreed, there, that the completed manuscript would be turned over to the American Library Association for publication and distribution. The editor was authorized to employ the assistance necessary to complete the work.

The section for each state was again revised and, when there were changes, returned to the state library agencies for approval. In many cases, copy for legislation enacted after July 1, 1941, was returned by the states with the original material. The necessary revisions were made to include these laws in spite of the date limitation.

By limiting the scope of the book to the legislation of the United States it has been possible to publish more completely the laws of the states. Legal provisions governing the libraries of state historical societies and county law libraries were included in the first edition by citation only, but in most cases these laws are quoted completely in the present volume. Laws governing the distribution of public documents to libraries have been treated in greater detail as a separate subject group. Appropriation and temporary legislation generally has been omitted. Local laws usually have not been quoted, but citations have been included when feasible.

The material for each state has been classified by subject or type of library. Under these headings, the individual sections are usually arranged numerically by code section number. Occasionally the exact numerical arrangement is broken for the sake of clarity, especially where the material was collected from different chapters of a code.

All legal provisions governing the establishment and operation of libraries in the territories and dependencies of the United States have been placed in Part III of this book. In the earlier edition federal laws providing for territorial libraries were included as a division of the section for federal libraries, while the territorial enactments occupied a separate section. Names of some territories and dependencies are not listed, since our search failed to locate any library legislation in their statutes.

Since many smaller libraries receive session laws but do not buy codes, some states asked that the material be arranged according to the numbers assigned by the session laws rather than the code. To satisfy these requests, references to the session laws are included, when available, at the end of each section. References usually are to the latest enactment and do not include the entire legislative history of the section. In a few states the only citations available were to section numbers of the previous code—these are included. Laws passed since the publication of the most recent code or code supplement were of necessity included in session law form.

Since space on the title page does not permit recognition there, of the

contributions of individuals and institutions to this book, the editor is grateful for the opportunity to make these acknowledgements in the preface

Chief among our benefactors is the Carnegie Corporation of New York, whose financial grant to the A.L.A. made the publication of this book possible. Initial work by Dr. Frank L. Tolman, New York State, already mentioned, the support of Mr. Paul A. T. Noon, Librarian of the Ohio State Library, and the aid of the Ohio State-wide Library Service Project of WPA made possible the compilation. The Ohio Supreme Court Law Library, the Ohio State University Law Library, and the Mahoning County Law Library were most generous in allowing the use of their collections.

Whatever degree of accuracy and completeness this compilation has achieved is due in a great measure to the cooperation of Mr. Luther H. Evans, chief assistant librarian of the Library of Congress, who directed the revision of the laws of the federal government, and to the checking done by the various state library agencies listed below.

Alabama	Mrs. Lois Rainer Green, Director,	Public Library Service Division
Arkansas	Mrs. Carroll Bishop, Librarian and Executive Sec.,	State Library Commission
Arizona	Mulford Winsor, Director,	Department of Library and Archives
California	Miss Mabel R. Gillis, State Librarian,	State Library
Colorado	Miss Clara E. Holland, Assistant Librarian	Department of Education
Connecticut	Miss Katherine H. Wead, Secretary,	Public Library Committee
Delaware	Mrs. Bernice Hammond, Librarian,	Public Archives Commission
Florida	W. T. Cash, State Librarian,	State Library
Georgia	Miss Beverly Wheatcroft, Secretary,	State Library Commission
Idaho	Walter E. Lockwood, Librarian,	State Traveling Library
Illinois	Miss Helene H. Rogers, Assistant Librarian,	State Library
Indiana	C. B. Coleman, Director, Miss Hazel B. Warren, Chief, Extension Division,	State Library State Library
Iowa	Miss Blanche A. Smith, Librarian,	State Traveling Library
Kansas	Miss Louise McNeal, State Librarian,	State Library
Kentucky	Miss Lena B. Nofcier, Director,	Library Extension Division
Louisiana	Miss Essae M. Culver, Executive Secretary,	State Library Commission
Maine	Mrs. Marion B. Stubbs, Reference Librarian,	State Library
Maryland	Miss Adeline J. Pratt, State Director,	Public Library Advisory Commission
Massachusetts	Dennis Dooley, State Librarian, Miss E. Louise Jones, Library Adviser,	Department of Education Department of Education
Michigan	Mrs. Loleta Dawson Fyan, State Librarian, Carroll Moreland, Law Librarian,	State Library State Library
Minnesota	Lee F. Zimmerman, Director of Libraries,	Department of Education
Mississippi	Miss Pearl Sneed, Secretary,	State Library Commission
Missouri	Miss Ruth O'Malley, Executive Secretary, Oscar C. Orman, Director of Libraries,	State Library Commission Washington University
Nebraska	Miss Nellie M. Carey, Executive Secretary,	Public Library Commission

Nevada	E. Charles D. Marriage, State Librarian,	State Library
New Hampshire	Miss Catharine Pratt, Executive Secretary,	Public Library Commission
New Jersey	Miss Sarah B. Askew, Secretary,	Public Library Commission
New Mexico	Arie Poldervaart, State Librarian,	Law Library
New York	Frank L. Tolman, Director,	Division of Adult Education and Library Extension
North Carolina	Miss Marjorie Beal, Secretary and Director,	State Library Commission
North Dakota	Miss Lillian E. Cook, Secretary and Director,	State Library Commission
Ohio	Paul A. T. Noon, Librarian,	Ohio State Library
Oklahoma	Ralph Hudson, State Librarian, Mrs. J. R. Dale, Secretary,	State Library State Library Commission
Oregon	Mirpah G. Blair, Librarian,	State Library
Pennsylvania	Alfred D. Keator, Director,	Department of Public Instruction
Rhode Island	Miss Grace M. Sherwood, State Librarian,	State Library
South Carolina	Mrs. Lucy H. Bostick, Secretary,	State Library Board
South Dakota	Mercedes B. MacKay, Director and Secretary,	Free Library Commission
Tennessee	Miss Martha Parks, Director of School Libraries,	Department of Education
Texas	Mrs. Dorothy C. Journeay, Director, Miss Fannie M. Wilcox, Librarian,	Library and Historical Commission Library and Historical Commission
Utah	Antone K. Romney, Director,	Department of Public Instruction
Vermont	Miss Dorothy Randolph, Secretary,	Free Public Library Commission
Virginia	Milton C. Russell, Head Reference and Circulation Section,	State Library
Washington	Miss Alta M. Grim, Acting Librarian,	State Library
West Virginia	W. P. Kellam, Librarian,	West Virginia University
Wisconsin	C. B. Lester, Secretary,	Free Library Commission
Wyoming	Mrs. Gladys F. Riley, State Librarian and Historian,	State Library and State Historical Department
Montana	Miss M. Catherine White, Reference Librarian,	State University

PART I
THE FEDERAL GOVERNMENT

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A. COLLECTIONS COMPOSING THE LIBRARY

(U S Code, 1927, Title 2, p 51, s 131)

Sec. 131 **Collections composing Library.** The Library of Congress, composed of the books, maps, and other publications which on December 1, 1873, remained in existence, from the collections theretofore united under authority of law and those added from time to time by purchase,

exchange, donation, reservation from publications ordered by Congress, deposit to secure copyright, and otherwise, shall be preserved in the Library Building. The law library shall be preserved in the Capitol in the rooms which were on July 4, 1872 appropriated to its use, and in such others as may hereafter be assigned thereto. [R.S. s 80; Feb. 19, 1897, c.265, s.1, 29 Stat. 545, 546]

B. DEPARTMENTS

(U S Code, 1927, Title 2, p.52, s 132)

Sec. 132 Department of Library. The Library of Congress shall be arranged in two departments, a general library and a law library. [R.S. s 81.]

C. BUILDINGS AND GROUNDS

(1) COMMISSION OF FINE ARTS

(U. S. Code, Title 40, p 44, s.104; see also *Ibid* 1941 Suppl Title 40, p 3, s 1)

Sec 104. Commission of Fine Arts. A permanent Commission of Fine Arts is created to be composed of seven well-qualified judges of the fine arts, who shall be appointed by the President, and shall serve for a period of four years each, and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such question in each case to call for such advice. The foregoing provisions of this section shall not apply to the Capitol Building of the United States and the building of the Library of Congress. *** [May 17, 1910, c 243; Sec 1, 36 Stat. 371.]

(2) PUBLIC BUILDINGS COMMISSION

(U. S. Stats. at Large, v.40, p 1269, 1270, ch 86, s 10)

[Section ten creates a Public Buildings Commission from whose control the Library of Congress is to be exempt.]

(3) ARCHITECT OF THE CAPITOL

(U. S Code, 1927, Title 2, p.54, s.143, *Ibid* 1941 Suppl p 29, s 141)

Sec. 141. Duties of Architect of the Capitol and the Librarian of Congress. The Architect of the Capitol shall have charge of all structural work at the Library Building and on the grounds, including all necessary repairs, the operation, maintenance, and repair of the mechanical plant and elevators, the care and maintenance of the grounds, and purchasing and supplying of all furniture and equipment for the building. The employees required for the performance of the foregoing duties shall be appointed by the Archi-

tect of the Capitol. All other duties on June 29, 1922 required to be performed, by the Superintendent of the Library Building and Grounds shall be performed under the direction of the Librarian of Congress, who shall appoint the employees necessary therefor [June 29, 1922, c.251.]

Sec. 143. **Appropriations for library building and grounds.** All appropriations made to the Architect of the Capitol on account of the Library Building and Grounds shall be disbursed for that purpose in the same manner as other appropriations under his control. [June 29, 1922, c.251]

D. PERSONNEL

(1) JOINT COMMITTEE UPON THE LIBRARY

(U S Code, 1927, Title 2, p 52, s 133, *Ibid* 1941 Suppl., p.28, s.132a)

Sec. 132a. **Appropriation for increase of general library; disposition; joint committee of congress upon the library.** The unexpended balance of any sums appropriated by Congress for the increase of the general library, together with such sums as may hereafter be appropriated to the same purpose, shall be laid out under the direction of a joint committee of Congress upon the Library to consist of five members of the Senate and five members of the House of Representatives. [Feb. 7, 1902.]

Sec. 133 **Joint committee during recess of congress.** The portion of the Joint Committee of Congress upon the Library on the part of the Senate remaining in office as Senators shall during the recess of Congress exercise the powers and discharge the duties conferred by law upon the Joint Committee of Congress upon the Library. [Mar. 3, 1883, c.141.]

(2) THE LIBRARIAN OF CONGRESS

(a) Appointment, Bond and Regulations

(U. S Code, Title 2, 1941 Suppl., p 29, s.136)

Sec. 136 **Librarian of congress; appointment; bond; rules and regulations.** The Librarian of Congress shall be appointed by the President, by and with the advice and consent of the Senate. He shall, before entering upon the duties of his office, give a bond payable to the United States, in the sum of \$20,000, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties according to law, which bond shall be deposited in the office of the Secretary of the Senate. He shall make rules and regulations for the government of the Library. [Feb. 19, 1897, c.265.]

(b) Salary

(U. S. Code, Title 2, 1941 Suppl., p.29, s.136a)

Ch. 136a. **Salary.** The Librarian of Congress on and after July 1, 1928, shall receive salary at the rate of \$10,000 per annum. [Mar. 6, 1928]

(c) Administrative Assistant, etc.

(U S Code, Title 2, 1941 Suppl., p 29, s.142a)

Ch. 142a. **Office of administrative assistant and disbursing officer in**

library of congress abolished; transfer of duties to appointee of librarian. From and after June 10, 1928, the office of administrative assistant and disbursing officer of the Library of Congress, created by Act of Congress approved June 29, 1922, is abolished and thereafter the duties required to be performed by the administrative assistant and disbursing officer shall be performed under the direction of the Librarian of Congress, by such persons as the Librarian may appoint for those purposes. *Provided*, That the person who shall disburse the appropriations for the Library of Congress and the Botanic Garden shall give bond payable to the United States in the sum of \$30,000, with sureties approved by the Secretary of the Treasury for the faithful discharge of his duties. [May 11, 1928, c.521, 45, Stat. 497]

(d) Annual Report

(U S Code, 1927, Title 2, p 53, s 139, *Ibid*, Title 44, p 63, s 156)

Sec. 139. Report of Librarian of Congress. The Librarian of Congress shall make to Congress at the beginning of each regular session, a report for the preceding fiscal year, as to the affairs of the Library of Congress, including the copyright business, and said report shall also include a detailed statement of all receipts and expenditures on account of the Library and said copyright business [Feb 19, 1897, c 265.]

Sec. 156 Reports of Librarian of Congress. Of the annual report of the Librarian of Congress submitted to Congress, there shall be printed and bound in cloth five thousand copies for the use of the Library of Congress. [Feb. 24, 1904, No.8, 33, Stat. 583.]

(e) Manuscript Commission

(U. S. Stats. at Large, v 24, p 542, ch 362)

Ch. 362 The Secretary of State, the Librarian of Congress, and the Secretary of the Smithsonian Institution, and their successors in office, are hereby constituted a commission whose duty it shall be to report to Congress the character and value of the historical and other manuscripts belonging to the Government of the United States, and what method and policy should be pursued in regard to editing and publishing the same, or any of them.

NOTE—It is doubtful whether this law is still in force.

(f) Useless Files

(Executive Order 1499, Mar 16, 1912)

Exec. Order 1499. It is hereby ordered that before reporting to Congress useless files of papers to be disposed of under the provisions of the Act of February 16, 1889, as extended and amended by Section 1, Chapter 189, of the Act of March 2, 1895, lists of such papers shall be submitted to the Librarian of Congress in order that the several Executive Departments may

have the benefit of his views as to the wisdom of preserving such of the papers as he may deem to be of historical interest.

Wm. H Taft

(3) EMPLOYEES

(a) Fitness

(U. S. Code, Title 2, p 53, s 140)

Sec 140. All persons employed in and about said Library of Congress under the Librarian shall be appointed solely with reference to their fitness for their particular duties.

(b) Classification

(U S Code, Title 5, 1941 Suppl , p 132-150, s 661-684)

(c) Compensation for Special Services

(U S Code, 1927, Title 5, p 57, 61, s 60, 65; U. S. Stat at Large, v 43, p 1108, ch 423, s 6)

(d) Retirement

(U. S Code, Title 5, 1941 Suppl. p 151, 153, s 691, 693, et seq)

Sec. 691 **Employees eligible for retirement; eligibility for superannuation retirement.** All employees to whom this chapter applies who, before July 1, 1930, shall have attained or shall thereafter attain the age of seventy years and rendered at least fifteen years of service computed as prescribed in section 707 of this title shall be eligible for retirement on an annuity as provided in section 698. * * * [As amended July 3, 1926, c 801]

Sec 693 **Employees included.** This chapter shall apply to * * * employees * * * of the Library of Congress * * * whose tenure of employment is not intermittent nor of uncertain duration * * * [Aug. 4, 1939, c 426,s 1, 53 Stat 1200.]

E. GIFTS AND ENDOWMENTS

(1) TONER COLLECTION

(U S. Stats. at Large, v 22, p 382-383, joint res 28)

Joint res 28 Whereas, Doctor Joseph Merideth Toner, of the City of Washington, in the District of Columbia, has offered to donate to the United States, for the use of the public, and for the promotion of literature and science, a large and valuable collection of books on medical science and historical and miscellaneous subjects, upon certain terms and conditions set forth by him in a memorial addressed to Congress, and which is in the following words:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of Doctor Joseph Merideth Toner, of the City of Washington, in the District of Columbia, respectfully shows to your honorable bodies, that he is the owner of a large and valuable collection of books and

pamphlets, about twenty thousand volumes or upwards in number, treating of medical, scientific, historical, biographical, literary, and miscellaneous subjects, and many of which are very rare and of great interest; and desiring that said collection of books, to the accumulation of which your memorialist has devoted considerable funds and a large part of his life, should be permanently preserved and placed where it would be most beneficial to the cause of science and most advantageous to the public, he respectfully offers the said collection to the United States of America, to be placed in the National Library of the United States at the City of Washington, under the management and control of the Librarian of Congress, upon the terms and conditions following, which he deems to be reasonable and just, and which he trusts will prove acceptable to your honorable bodies; namely:

First That the collection should be kept separate and apart from the other books and pamphlets in the Library, in separate rooms or alcoves, and that it should be known and distinguished as "The Toner Collection."

Second. That the collection of books and pamphlets be bound, when requiring it, in a uniform and substantial manner, and have placed upon the back of each a parchment band to distinguish them, and that a device distinctive of the donation be stamped upon the title page of each, and that they be kept accessible for reference, and be catalogued as speedily as practicable, and when they appear by title in the printed catalogue of the Library that some letter or symbol indicative of the collection be used, and that the condition and growth of the collection be made a matter of record in each annual report by the Librarian of Congress.

Third. That the collection be kept and used mainly for reference, and be consulted subject to the rules governing the use of rare books, and be called upon for service only when no other copy of a book or pamphlet asked for is available, and not be taken out of the Library except for special reasons.

Fourth. That your memorialist should be permitted to make additions to the collection from time to time as he may desire, upon the same terms as herein specified, and that he have liberty to insure perpetual increase and improvement of the collection by the establishment of a trust-fund for the purpose.

Your memorialist, while desiring to perpetuate his name in connection with the donation which he here proposes to make, believes that the "Toner collection" will prove useful and valuable to the country, and will involve no unusual expense upon the part of the United States.

Respectfully submitted,
J. M. Toner.

Now, therefore, the Librarian of Congress is hereby empowered and directed to receive and accept from the said Doctor Joseph Merideth Toner

his collection of books and pamphlets aforesaid, and to place the same in the Library under his charge under the terms and conditions set forth in the said memorial.

(2) HUBBARD COLLECTION

(a) Acceptance of Engravings

(U. S. Stats at Large, v.30, p.751-752, joint res. 56)

Joint res. 56. The Librarian of Congress is hereby empowered and directed to accept the offer of Mrs. Gertrude M. Hubbard, widow of the late Gardiner Greene Hubbard, communicated to him by the following letter, on the terms and conditions therein stated, except that instead of naming the gallery in the Library as therein proposed, the collection shall be known and styled as the Gardiner Greene Hubbard Collection, it not being, in the opinion of Congress, desirable to call parts of the public buildings after the names of individual citizens, and that the bust therein named be accepted and kept in a suitable place, to be designated by the Joint Committee on the Library; and to communicate to Mrs. Hubbard the grateful appreciation of Congress of the public spirit and munificence manifested by said gift.

Washington, D. C., March 21, 1898.

My Dear Sir: I hereby offer to the Congressional Library, for the benefit of the people of the United States, the collection of engravings made by my husband, the late Gardiner Greene Hubbard, and, in addition thereto, the art books, to be treated as part of the collection.

This disposition of the collection, the gathering of which was to him the pleasure of many years chiefly devoted to the welfare of his fellowmen, is in accordance with his wishes, and is that which would give him the greatest satisfaction.

I desire that a suitable gallery in the Library be devoted to this collection, and such additions as may from time to time be made to it, to be known as the "Gardiner Greene Hubbard Gallery," where it can be accessible to the public, to be studied and enjoyed under such reasonable regulations as may be made by Congress, or by the authority to whom Congress may delegate the control of the Congressional Library.

Accompanying the collection is a bust of Mr. Hubbard by Gaetano Trentanove, which I desire may be kept in a suitable place in the gallery.

I propose during my lifetime to add to the collection from time to time, and in my will to make provision for increasing the collection by creating a fund of twenty thousand dollars, to be placed in the hands of trustees, the interest of which is to be used by the Librarian of Congress in the purchase of additional engravings, it being my understanding that the ex-

penses incident to the proper care of this collection will be borne by the Congressional Library and not be a charge against this fund

I am, very sincerely yours,

Gertrude M Hubbard.

The Honorable John Russell Young
Librarian of the Congressional Library
Washington, D C

(b) Acceptance of Bequest

(U S Stats at Large, v 37, p 319-320, ch 309)

[Sec 1.] **Acceptance.** The conditions of the bequest to the United States of America contained in the will of the late Gertrude M. Hubbard, and which are set out in the following language, to-wit:

"For the purpose of adding to the Gardiner Greene Hubbard collection of engravings heretofore given by me to the United States of America, and now in the Library of Congress, I give and bequeath to the trustee herein-after named, the American Security and Trust Company, its successors and assigns, the sum of twenty thousand dollars, to be set apart out of my real estate, stocks, bonds, or other securities, and to be invested and held by it upon the following trust, namely. To pay over during each year the net income therefrom to the Librarian of Congress, said income so paid over as above to be used exclusively for the purchase of engravings and etchings to be added to said 'Gardiner Greene Hubbard collection'

"If any lawful or binding arrangement or contract can be made whereby the United States of America will be bound to pay interest on said investment at an annual rate of not less than four per centum, to be perpetually used for additions to said collection, I then further direct that my said trustee, the American Security and Trust Company, shall thereupon turn over and deliver the entire principal of said fund to the Treasurer of the United States upon that condition and for that purpose"

be, and the same are hereby, agreed to and the bequest accepted

Sec 2 Receipt of money; release of trust company. The Treasurer of the United States be, and is hereby, authorized to receive from the American Security and Trust Company the principal of the above bequest, together with the interest, if any, accrued thereon, and to receipt for the same in the name of the United States of America, as accepted under the conditions and for the purpose defined in the said will, and, on behalf of the United States, to release said trust company from any liability in connection with said fund And, further, the Librarian of Congress is authorized to join in said release, and thereby release said trust company from all future liability to the Librarian of Congress.

Sec 3 Perpetual trust fund; appropriations. In compliance with said conditions the principal of the sum so received and paid into the Treasury of the United States shall be credited on the books of the Treasury Depart-

ment as a perpetual trust fund ; and the sum of eight hundred dollars, being equivalent to four per centum on the principal of said trust fund, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation and shall be expended in the manner and for the purposes herein authorized and as provided in the said bequest.

(3) ELIZABETH SPRAGUE COOLIDGE GIFT

(U. S Stats. at Large, v 43, p 788-789, ch 88)

[Sec 1.] **Acceptance.** The offer of Elizabeth Sprague Coolidge, communicated by the Librarian of Congress and set out in the following language, to-wit.

"In pursuance of my desire to increase the resources of the music division of the Library of Congress and especially in the promotion of chamber music, for which I am making an additional provision in the nature of an endowment, I offer to the Congress of the United States the sum of \$60,000 for the construction and equipment in connection with the Library, of an auditorium, which shall be planned for and dedicated to the performance of chamber music, but shall also be available (at the discretion of the Librarian and the chief of the music division) for any other suitable purpose, secondary to the needs of the music division."

be, and the same is hereby accepted

Sec 2 **Fund created.** The Treasurer of the United States is hereby authorized to receive from the said Elizabeth Sprague Coolidge the above sum of \$60,000, to receipt for it in the name of the United States of America, and to credit it on the books of the Treasury Department as a special fund dedicated to the purpose stated, and subject to disbursement for such purpose upon vouchers submitted by the Architect of the Capitol as provided in section 3

Sec. 3. **Plans; construction; equipment.** The Architect of the Capitol is hereby authorized and directed, in consultation with the Librarian of Congress, and subject to the approval of the Joint Committee on the Library, and within the limit of the sum available, to prepare, or contract for the preparation of, plans for the proposed auditorium and, within such limit, to construct, or contract for the construction of, such auditorium on land within or appurtenant to the Library, and to purchase in the open market the necessary equipment therefor; and upon proper vouchers to draw upon the said special fund for the expense of such plans, construction, and equipment

Sec. 4. **Other gifts.** Should other gifts be proffered applicable to the perfection or equipment of the proposed structure for its intended uses, the Architect of the Capitol may, with the concurrence of the Librarian and approval of the Joint Committee on the Library, accept and apply them, any moneys so accepted being deposited with the Treasurer of the

United States, credited to the special fund, and disbursed as provided herein for the original gift.

Sec. 5. Restriction on contracts. No contract shall be entered into or obligation incurred for the design, construction, or equipment of the structure in excess of the moneys actually available from the total of such gifts.

(4) VOLLBEHR COLLECTION

(Public No 533, 71st Congress)

For the purpose of acquiring for the Library of Congress the collection of fifteenth century books known as the Vollbehr collection of incunabula and comprising three thousand items, together with the copy on vellum of the Gutenberg forty-two-line Bible known as the Saint Blasius-Saint Paul copy, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500,000, or so much thereof as may be recommended by the Librarian of Congress in an estimate submitted for the purpose

F. LIBRARY TRUST FUND BOARD

(U. S Code, 1927, Title 2, p 56-58, s 154, 155, 157, 160, 161, 163; *Ibid* Title 5, p 57, 61, s 60, 65, *Ibid* 1941 Suppl p 30-31, s 156, 158, 159, 162)

Sec. 154 Library of Congress Trust Fund Board; members; quorum; seal; rules and regulations. A board is hereby created and established, to be known as the Library of Congress Trust Fund Board (hereinafter referred to as the board), which shall consist of the Secretary of the Treasury, the chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively) Three members of the board shall constitute a quorum for the transaction of business, and the board shall have an official seal, which shall be judicially noticed The board may adopt rules and regulations in regard to its procedure and the conduct of its business [Mar 3, 1925, c 423, s 1, 43 Stat 1107]

Sec 155 Same; expenses. No compensation shall be paid to the members of the board for their services as such members, but they shall be reimbursed for the expenses necessarily incurred by them, out of the income from the fund or funds in connection with which such expenses are incurred. The voucher of the chairman of the board shall be sufficient evidence that the expenses are properly allowable. Any expenses of the board, including the cost of its seal, not properly chargeable to the income of any trust fund held by it, shall be estimated for in the annual estimates of the librarian for the maintenance of the Library of Congress. [Mar 3, 1925, c.423, s.1., 43, Stat. 1107.]

Sec 156. Same; gifts, etc., to. The board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of personal property for the benefit of, or in connection with, the Library, its collections, or its

service, as may be approved by the board and by the Joint Committee on the Library. [Mar. 3, 1925, c 423, s 2. As amended April 13, 1936, ch.213, 49, Stat. 1205.]

Sec. 157. Same; trust fund; management of. The moneys or securities composing the trust funds given or bequeathed to the board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, or retain investments as the board may from time to time determine. The income as and when collected shall be deposited with the Treasurer of the United States, who shall enter it in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified, and the Treasurer of the United States is hereby authorized to honor the requisitions of the librarian made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe: *Provided, however,* That the board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in its hands, nor shall the board make any investments that could not lawfully be made by a trust company in the District of Columbia, except that it may make any investments directly authorized by the instrument of gift, and may retain any investments accepted by it [Mar 3, 1925, c 423, s 2, 43, Stat 1107.]

Sec 158 Same; deposits with Treasurer of United States. Should any gift or bequest so provide, the board may deposit the principal sum, in cash, with the Treasurer of the United States as a permanent loan to the United States Treasury, and the Treasurer shall thereafter credit such deposit with interest at the rate of 4 centum per annum, payable semi-annually, such interest, as income, being subject to disbursement by the Librarian of Congress for the purposes specified. *Provided, however,* That the total of such principal sums at any time so held by the Treasurer under this authorization shall not exceed the sum of \$5,000,000. [June 23, 136, c 734, 49, Stat. 1894.]

Sec 159 Same; perpetual succession; suits by or against. The board shall have perpetual succession, with all the usual powers and obligations of a trustee, including the power to sell, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The board may be sued in the Supreme Court of the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it [June 25, 1936, c 804, 49, Stat. 1921.]

Sec. 160. Same; gifts, etc., to Library not affected. Nothing in sections 154 to 163 of this title shall be construed as prohibiting or restricting the Librarian of Congress from accepting in the name of the United States gifts or bequests of money for immediate disbursement in the interests of the Library, its collections, or its service. Such gifts or be-

quests, after acceptance by the Librarian, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified. [Mar. 3, 1925, c.423, s 4, 43, Stat. 1108.]

Sec. 161. Same; gifts, etc., exempt from Federal Taxes. Gifts or bequests to or for the benefit of the Library of Congress, including those to the board, and the income therefrom, shall be exempt from all Federal taxes. [Mar. 3, 1925, c 423, s 5, 43, Stat. 1108]

Sec. 162. Same; employees; compensation. Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the board or the librarian, or in connection with co-operative undertakings in which the Library of Congress is engaged, shall not be subject to section 66 of Title 5; nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 58 of Title 5 [As amended Jan 27, 1926, c 6, s.2, 44, Stat 2]

Sec. 163 Same; report to Congress. The board shall submit to the Congress an annual report of the moneys or securities received and held by it and of its operations [Mar 3, 1925, c 423, s 7, 43, Stat 1108]

G. DEPOSIT OF PUBLICATIONS, COLLECTIONS, AND MANUSCRIPTS

(U·S Code, 1928, Title 44, p 110, s.260, *Ibid* Title 20, p 38, s 105, U S Stats at Large, v 37, p 364, ch 305, *Ibid* v 39, p 51, ch 77, sec 4)

Title 44, sec 260 **Geological Survey; publications; size of volumes; editions; additional copies; bulletins; reports on gauging of streams and utilization of water resources; additional copies; distribution.** The director of the survey shall transmit to the Library of Congress two copies of every report of the Bureau as soon as the first delivery to the Survey is made, such copies to be additional to those received by the Library of Congress under any other provision of law [Mar 4, 1909, c 299, s 1, 35, Stat 988]

Title 20, sec 105. **Books for Library of Congress.** The distribution of embossed books manufactured by the American Printing House for the Blind at Louisville, Kentucky, out of the income of the fund provided by this chapter, shall include one copy of every book so manufactured to be deposited in the Library of Congress at Washington. [Mar 4, 1913, c.142, s 1, 37, Stat 748]

U S Stats. at large, v.37, p 364, ch 350 **Monetary Commission Library.** The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the

administration of the Librarian of Congress, and the sum of \$500, or so much thereof as may be necessary, is hereby appropriated for the purpose of moving the books and the present stacks and shelving to the Library of Congress.

U. S Stats at Large, v 39, p 51, ch 77, sec 4 **American Academy of Arts and Letters.** The American Academy of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to the Congress, to be filed with the Librarian of Congress

H. TRANSFER OF BOOKS AND MANUSCRIPTS

(1) GENERAL PROVISIONS

(U S Code, Title 2, p 55, s 147, 148, 149)

Sec 147. **Bound volumes from files of House of Representatives.** The Clerk of the House of Representatives is authorized and directed to deliver to the Librarian of Congress all bound volumes of original papers, general petitions, printed matter, books, and manuscripts on June 6, 1900, in, or that may thereafter have come into or may come into, the files of the House, which in his judgment are not required to be retained in the immediate custody of the file clerk; and it shall be the duty of the Librarian of Congress to cause all such matter so delivered to him to be properly classified by Congress and arranged for preservation and ready reference All such matter to be held as a part of the files of the House of Representatives, subject to its orders and rules. [June 6, 1900, c.791, s 1, 31, Stat 642]

Sec. 148. **Transfer to Library of books from executive departments.** The head of any Executive department or bureau or any commission of the Government is hereby authorized from time to time to turn over to the Librarian of Congress, for the use of the Library of Congress, any books, maps, or other material in the library of the department, bureau, or commission no longer needed for its use, and in the judgment of the Librarian of Congress appropriate to the uses of the Library of Congress [Feb 25, 1903, c 755, s 1, 32 Stat 865]

Sec 149 **Transfer of books to other libraries.** The Librarian of Congress may from time to time transfer to other governmental libraries within the District of Columbia, including the Public Library, books and material in the possession of the Library of Congress in his judgment no longer necessary to its uses, but in the judgment of the custodians of such other collections likely to be useful to them, and may dispose of or destroy such material as has become useless. [Mar. 4, 1909, c 297, s 1, 35 Stat 858]

(2) REVOLUTIONARY ARCHIVES IN DEPARTMENT OF STATE
(Executive Order, March 9, 1903)

The Historical Archives in the Department of State, known as the Revolutionary Archives, and comprising

- (1) The Records and Papers of the Continental Congress
- (2) The Papers of George Washington
- (3) The Papers of James Madison
- (4) The Papers of Thomas Jefferson
- (5) The Papers of Alexander Hamilton
- (6) The Papers of James Monroe
- (7) The Papers of Benjamin Franklin

Are, by authority provided by the Act of Congress entitled "An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February 25, 1903, hereby ordered to be transferred from the Department of State— with such exceptions and reservations in each collection herein enumerated, as in the discretion of the Secretary of State may require for the continuity and completeness of the Records and Archives of the Department of State—to the possession and custody of the Library of Congress, to be there preserved and rendered accessible for historical and other legitimate uses under such rules and regulations as may from time to time be prescribed by the Librarian of Congress

The transfer here directed shall be made on the first day of July, 1903, or as promptly thereafter as shall be found conveniently practicable to the Department of State and the Library of Congress

Theodore Roosevelt.

(3) MISCELLANEOUS ARCHIVES IN DEPARTMENT OF STATE
(Executive Order, May 23, 1906)

The following Historical Archives in the Department of State:

- (1) Spanish manuscripts of 1631, supposed to have been captured in the City of Mexico
- (2) The Orderly Books of Capt Robert Walker, and Sergeant Dalson, together with the Diary of Ebenezer Fitch and Paul Blancher.
- (3) The Forton Prisoners' manuscripts, 1777-1799.
- (4) A Journal of the Travels of Alexander Church, Richard Ramsey, and Zephaniah Halsey.
- (5) The printed Books which are annotated by Sir Henry Clinton.
- (6) A Journal of the Ship Hope, 1790-1792. 4 volumes.
- (7) The Whiskey Insurrection in Pennsylvania, 1792-1796.
- (8) House Tax Insurrection, 1799.

- (9) Correspondence of Albert Gallatin as Secretary of the Treasury.
- (10) Papers relating to the Burr Conspiracy.
- (11) Log-Book of the Ship Lexington, 1807.
- (12) The John Henry Papers.
- (13) Jefferson Davis Papers.

Are, by authority provided by the Act of Congress entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February 25, 1903, hereby ordered to be transferred from the Department of State to the possession and custody of the Library of Congress, to be there preserved and rendered accessible for historical and other legitimate uses under such rules and regulations as may from time to time be prescribed by the Librarian of Congress.

The transfer here directed shall be made as promptly as shall be found conveniently practicable to the Department of State and the Library of Congress.

Theodore Roosevelt.

(4) INDUSTRIAL COMMISSION MINUTES, FILES AND BOOKS

(U S Stats at Large, v 34, p 1425, joint res 26)

Joint res 26. Resolved, * * * That all official minutes and files of correspondence of the Industrial Commission deposited with the Librarian of Congress by the joint resolution of February twenty-first, nineteen hundred and two, be transferred to the Department of Commerce and Labor, to become the property of said Department. The Librarian of Congress is hereby authorized to select from the volumes and pamphlets constituting the library of the Industrial Commission such publications as may be needed for the uses of the Library of Congress, which books shall become the property of the Library of Congress, and turn over the residue of such volumes and pamphlets to the Department of Commerce and Labor, to become the property of the said Department.

(5) DECLARATION OF INDEPENDENCE AND U S. CONSTITUTION

(Executive Order 3554, Sept. 29, 1921)

The original engrossed Declaration of Independence and the original engrossed Constitution of the United States, now in the Department of State, are, by authority provided by the Act of Congress entitled "An Act making appropriations for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, hereby ordered to be transferred from the Department of State to the custody of the Library of Congress, to be there preserved and exhibited under such rules and regulations as may from time to time be prescribed by the Librarian of Congress.

This Order is issued at the request of the Secretary of State, who has no suitable place for the exhibition of these muniments and whose building is believed to be not as safe a depository for them as the Library of Congress, and for the additional reason that it is desired to satisfy the laudable wish of patriotic Americans to have an opportunity to see the original fundamental documents upon which rest their Independence and their Government

Warren G Harding

Note—The Act Making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, March 20, 1922, 42 U. S. Stats at Large, 434, appropriated \$12,000 for providing a safe, permanent repository of appropriate design, within the Library of Congress Building for the originals of the Declaration of Independence and the Constitution of the United States

(6) CERTAIN HISTORICAL PAPERS

(Executive Order 3594, Dec 19, 1921)

Whereas an Executive Order of March 9, 1903, of President Roosevelt directed that certain historical archives in the Department of State, known as the Revolutionary Archives, being the papers of the Continental Congress, George Washington, James Madison, Thomas Jefferson, Alexander Hamilton, James Monroe, and Benjamin Franklin, be transferred from the Department of State to the custody of the Library of Congress by authority of the Act approved February 25, 1903, entitled, "An Act making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June 30, 1904, and for other purposes",

And whereas, the said order authorized the Secretary of State to retain such papers in each of the collections enumerated above as in his discretion might be required for the continuity and completeness of the records and archives of the Department of State;

And whereas, the Secretary of State has represented that certain of the papers retained at that time and certain other historical papers now in his custody and are not needed for the use of his department, and recommends that they be transferred to the Library of Congress, to become a part of the historical papers which now constitute the collections in the Manuscript Division of the Library of Congress,

It is hereby ordered that the following papers be transferred from the Department of State to the possession and custody of the Library of Congress, to be there preserved and rendered accessible for historical and other legitimate uses, under such rules and regulations as may from time to time be prescribed by the Librarian of Congress,

(1) The Journal, Acts, and Proceedings of the Convention which framed the Constitution of the United States.

(2) The Articles of Confederation ratified March 1, 1781

(3) Thomas Jefferson's draft of the Declaration of Independence

(4) Papers of the Continental Congress, a detailed list of which is hereunto appended.

(5) Certain papers of James Madison, a detailed list of which is hereunto appended.

(6) Certain papers of Benjamin Franklin, a detailed list of which is hereunto appended

Warren G. Harding

I. SPECIAL REGULATIONS

(U S. Rev Stats 1878, p 323, s.1834, U S Code, Title 31, 1941 Suppl, p 6, s 72;
Ibid Title 44, p 44, s 116-117, *Ibid* Title 2, p 56, s 150)

Rev Stats Sec. 1834 The two preceding sections [requiring an annual inventory of property] shall not apply to the books, pamphlets, papers, and documents in the Library of Congress * * *

Title 31, Sec 72 **Public accounts to be settled in General Accounting Office; settlement of accounts.** * * * The General Accounting Office shall receive and examine all accounts of salaries and incidental expenses of the * * * Library of Congress [July 1, 1939, 4 Fed. Reg 2731, 53 Stat. 1432, 1433]

Title 44, Sec 116 **No printing and binding unless authorized; binding materials.** * * * The libraries of the several Departments, the Library of Congress, the libraries of the Surgeon-General's Office, the Patent Office, and the Naval Observatory may have books for the exclusive use of said libraries bound in half Turkey, or material no more expensive [Jan 12, 1895, c 23, s 80, 28 Stat 622]

Sec 117 **Certificate of necessity; estimate of cost.** When any Department, the Supreme Court, the Court of Claims, or the Library of Congress shall require printing or binding to be done, it shall be on certificate that such work be necessary for the public service, whereupon the Public Printer shall furnish an estimate of the cost by the principal items for such printing or binding so called for, after which requisitions shall be made upon him therefor by the head of such Department, the Clerk of the Supreme Court, Chief Justice of the Court of Claims, or the Librarian of Congress, and the Public Printer shall place the cost thereof to the debit of such Department in its annual appropriation for printing and binding. [Jan 12, 1895, c 23, s 93, 28 Stat 623]

Title 2, Sec 150 **Sale of copies of card indexes and other publications.** The Librarian of Congress is hereby authorized to furnish to such institutions or individuals as may desire to buy them, such copies of the card indexes and other publications of the Library as may not be required for its ordinary transactions, and charge for the same a price which will cover their cost and ten per centum added, and all moneys received by him shall be deposited in the Treasury [June 28, 1902, c 1301, s 1, 32 Stat. 480]

J. SPECIAL ACTIVITIES

(U. S Code, Title 2, 1941 Suppl, p 31, s.164, 164a, 165 1941 Suppl Title 44, p25, s.300e and 300F)

Sec. 164. Index and digest of State legislation; preparation. The Librarian of Congress is hereby authorized and directed to prepare and to report to Congress biennially an index to the legislation of the states of the United States enacted during the biennium, together with a supplemental digest of the more important legislation of the period. [Feb. 28, 1929, c 367, s 1, 45, Stat. 1398.]

Sec. 164a. Same; official distribution. So much of the Act approved February 10, 1927, as requires the Librarian to biennially report to Congress an index and digest of State legislation is repealed, and the Librarian of Congress is directed to have such indexes and digests printed and bound for official distribution only [Feb. 28, 1929, c 367, s.1, 45 Stat. 1398.]

Sec. 165 Appropriation for biennial index. There is hereby authorized to be appropriated annually for carrying out the provisions of section 164 of this title the sum of \$30,000, to remain available until expended. [Feb 10, 1927, c 99, s.2, 44 Stat 1066]

Sec. 300e. National Historical Publications; Commission; Creation; functions and duties; publications. There is created a National Historical Publications Commission which shall make plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for publication and/or otherwise recording at the public expense, said Commission to consist of * * * the Chief of the Division of Manuscripts in the Library of Congress * * * This Commission shall meet at least once a year, and the members shall serve without compensation except repayment of expenses actually incurred in attending meetings of the Commission [June, 1934, c 668, s.5, 48 Stat 1123]

Sec. 300f National Archives Council; Creation; duties. There is hereby further created a National Archives Council composed of the Secretaries of each of the executive departments of the Government (or an alternate from each department to be named by the Secretary thereof), the Chairman of the Senate Committee on the Library, the Chairman of the House Committee on the Library, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. The said Council shall define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer, and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody. [June 19, 1934, c 668, s 6, 48 Stat. 1123.]

K. COPYRIGHTS

(U. S. Code, 1927, Title 17, p 65, 71, 146, 178-180, 191-192, s 12, 13, 31, 47, 49-53, 58-60; *Ibid.* 1941 Suppl p.76, s 48)

Sec 12. Deposit of copies after publication; action or proceeding for infringement. After copyright has been secured by publication of the work with the notice of copyright as provided in section 9 of this title, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies, or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section 15 of this title; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale, there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section 11 of this title, such copies or copy, print, photographs, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with. [Mar. 28, 1914, c.47, s.1, 38 Stat. 311.]

Sec. 13. Same; failure to deposit; demand; penalty. Should the copies called for by section 12 of this title not be promptly deposited as provided in this title, the register of copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of one hundred dollars and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void. [Mar 4, 1909, c.320, s.13, 35 Stat. 1078.]

Sec. 31. Importation, during existence of copyright, of piratical copies not produced in accordance with section 15 of this title. During the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with manufacturing provisions specified in section fifteen of this Act, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by litho-

graphic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section fifteen of this Act, shall be, and is hereby, prohibited: *Provided however*, That, except as regards piratical copies, such prohibition shall not apply: * * *

(D) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say: * * *

THIRD When imported, for use and not for sale, not more than one copy of any book in any one invoice, in good faith, by or for any * * * free public library in the United States [March 4, 1909, c 320, s.31, 35 Stat. 1082]

Sec 47 Copyright office; preservation of records. All records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights [March 4, 1909, c 320, s47, 35 Stat. 1085]

Sec 48 Register, assistant register, and subordinate. There shall be appointed by the Librarian of Congress a register of copyrights, and one assistant register of copyrights, who shall have authority during the absence of the register of copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law [March 4, 1923, c 265, s 1, 42 Stat 1488]

Sec 49 Same; deposit of moneys received; reports. The register of copyrights shall make monthly * * * reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances [March 4, 1909, c 320, s 49, 35 Stat 1085]

Sec 50 Same; bond. The register of copyrights shall give bond to the United States in the sum of \$20,000, in form to be approved by the Solicitor of the Treasury, and with sureties satisfactory to the Secretary of the Treasury for the faithful discharge of his duties. [March 4, 1909, c 320, s.50, 35, Stat. 1085.]

Sec 51 Same; annual report. The register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this title [March 4, 1909, c.320, s 51, 35 Stat 1085]

Sec. 52 Seal of copyright office. The seal used in the copyright office on July 1, 1909, shall be the seal of the copyright office, and by it all papers issued from the copyright office requiring authentication shall be authenticated. [March 4, 1909, c.320, s 52, 35 Stat. 1085.]

Sec. 53. Rules for registration of claims. Subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this title [March 4, 1909, c 320, s 53, 35 Stat 1085]

Sec. 58. Records and works deposited in copyright office open to public inspection; taking copies of entries. The record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress [March 4, 1909, c 320, s 58, 35 Stat 1086]

Sec 59 Deposition of articles deposited in office. Of the articles deposited in the copyright office under the provisions of the copyright laws of the United States, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein [March 4, 1909, c 320, s 59, 35Stat. 1087]

Sec 60 Destruction of articles deposited in office remaining undisposed of; removal of by author or proprietor; manuscripts of unpublished works. Of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this title. No manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor

of record, permitting him to claim and remove it. [March 4, 1909, c.320, s.60, 35 Stat. 1087.]

L. SMITHSONIAN DIVISION

(1) GENERAL PROVISIONS

(U S. Code, Title 2, p.56, s 151-152)

Sec 151. Smithsonian Library. The library collected by the Smithsonian Institution under the provisions of the act of August 10, 1846, chapter 178, and removed from the building of that Institution, with the consent of the regents thereof, to the Library of Congress, shall, while there deposited, be subject to the same regulations as the Library of Congress, except as hereinafter provided [R.S s 99.]

Sec. 152. Same; how kept and used. The Smithsonian Institution shall have the use of the library referred to in sec. 151 of this title in the manner as before its removal All the books, maps, and charts of the Smithsonian Library shall be properly cared for and preserved in like manner as are those of the Congressional Library; from which the Smithsonian Library shall not be removed except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the regents of the Institution. [R.S. s.100.]

(2) AMERICAN HISTORICAL ASSOCIATION

(U. S Stats at Large, v 25, p 640, ch 20)

Ch 20. * * * The American Historical Association shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America Said Secretary shall communicate to Congress the whole of such reports, or such portion thereof as he shall see fit. The Regents of the Smithsonian Institution are authorized to permit said association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum; at their discretion, upon such conditions and under such rules as they shall prescribe.

M. LAW LIBRARY OF CONGRESS AND OF THE SUPREME COURT

(U S Code, Title 2, s 131, 134-135, 137-138.)

Sec. 131. Collections composing Library. The law library shall be preserved in the Capitol in the rooms which were on July 4, 1872, appropriated to its use, and in such others as may hereafter be assigned thereto [Feb. 19, 1897, c.265, s.1, 29 Stat. 545, 546.]

Sec. 134. Incidental expenses of Law Library. The incidental expenses

of the law library shall be paid out of the appropriations for the Library of Congress [R S s 83]

Sec. 135. Purchase of books for Law Library. The Librarian shall make the purchases of books for the law library, under the direction of and pursuant to the catalogue furnished him by the Chief Justice of the Supreme Court [R S. s 84]

Sec. 137. Use and regulations of Law Library. The justices of the Supreme Court shall have free access to the law library, and they are authorized to make regulations, not inconsistent with law, for the use of the same during the sittings of the court. But such regulations shall not restrict any person authorized to take books from the library from having access to the law library, or using the books therein in the same manner as he may be entitled to use the books of the general library [R S. s.95.]

Sec 138 Library hours open, when. The law library shall be kept open every day so long as either House of Congress is in session [July 11, 1888, c 615, s 1, 25 Stat 2627]

N. U. S. SUPREME COURT CONFERENCE ROOM LIBRARY

(U S Stats at Large, v 45, p 457, ch 431)

Ch 431 The Chief Justice of the United States is authorized to accept on behalf of the United States, for the use of the Supreme Court, the gift of Peter G Gerry, a senator of the United States from the State of Rhode Island, of the law library bequeathed to him by his father, the late Elbridge T. Gerry

O. BOOKS FOR THE BLIND

(U S Code, Title 2, s 135a, 135b)

Sec 135a Books for adult blind; annual appropriation; purchases. There is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of \$350,000, which sum shall be expended under the direction of the Librarian of Congress to provide books published either in raised characters, on sound-reproduction records, or in any other form, for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia: *Provided*, That of said annual appropriation of \$350,000, not exceeding \$100,000 thereof shall be expended for books in raised characters, and not exceeding \$250,000 thereof shall be expended for sound-reproduction records.

In the purchase of such books, the Librarian of Congress, without reference to section 3709 of the Revised Statutes (U.S.C., 1934 edition, title 41, sec 5), shall give preference to non-profit-making institutions or agencies whose activities are primarily concerned with the blind, in all cases where the prices or bids submitted by such institutions or agencies

are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable. [June 6, 1940, c.255, 54 Stat. 243.]

Sec 135b. **Same; circulation; choosing of libraries; preference to veterans.** The Librarian of Congress may arrange with such libraries as he may judge appropriate to serve as local or regional centers for the circulation of such books, under such conditions and regulations as he may prescribe. In the lending of such books preference shall at all times be given to the needs of blind persons who have been honorably discharged from the United States military or naval services. [Oct. 14, 1941, c 437, 55, Stat 738]

P. MISCELLANEOUS PROVISIONS

(U S. Stats v 37, p 662, s 4, U S Code, Title 31, p 71, s 174)

(37 Stat 662, s 4; cf 1, H)

The National Institute of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to the Congress to be filed with the Librarian of Congress

Title 31, Sec 187 **Same; exchange for Parliamentary Hansard.** The Librarian of Congress is hereby authorized to furnish a copy of the daily and bound Congressional Record to the Under Secretary of State for External Affairs of Canada in exchange for a copy of the Parliamentary Hansard, and the Public Printer is hereby directed to honor the requisition of the Librarian of Congress for such copy. The Parliamentary Hansard so received shall be the property of the Department of State. [Apr 10, 1912, No 14, 37 Stat 632.]

2. LIBRARIES OF SENATE AND HOUSE OF REPRESENTATIVES

A. GENERAL PROVISIONS

(U S Code, 1927, Title 2, p 55, 56, s 146, 153; *Ibid* 1928, Title 44, p 63, 68, 69, 93, s 155, 167, 168, 217, *Ibid* 1941 Suppl Title 2, p 30, s 145)

Sec. 146 Deposit of journals of Senate and House. Twenty-five copies of the public Journals of the Senate, and of the House of Representatives, shall be deposited in the Library of the United States, at the seat of government, to be delivered to Members of Congress during any session, and to all other persons authorized by law to use the books in the Library, upon their application to the librarian, and giving their responsible receipts for the same, in like manner as for other books [R S s.98]

Sec. 153 Control of Library of House of Representatives. The library of the House of Representatives shall be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor The librarian, two assistant librarians, and assistant in the library, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives No removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules [March 3, 1901, c 830, s 1, 31 Stat. 964]

Sec 155 Committee reports; indexing and binding. The Secretary of the Senate and Clerk of the House shall procure and file for the use of their respective Houses copies of all reports made by committees, and they are hereby directed at the close of each session of Congress to cause such reports to be indexed and bound, one copy to be deposited in the library of each House and one copy in the room of the committee from which the reports emanate [Jan 12, 1895, c 23, s.83, 28 Stat 622]

Sec 167 Disposition of documents stored at Capitol. * * * Four copies of each and all leather-bound documents shall be reserved and carefully stored, to be used in supplying deficiencies in the Senate and House Libraries caused by wear or loss [Jan 12, 1895, c.23, s 63, 28 Stat. 611]

Sec 168 Binding for Senate Library. The Secretary of the Senate is authorized to make requisition upon the Public Printer for the binding for the Senate Library of such books as he may deem necessary at a cost not to exceed two hundred dollars per year [Mar. 2, 1895, c 189, s 1, 28 Stat 958]

Sec 217. Publications for department or officer. Whenever printing not bearing a Congressional number shall be done for any department or officer

of the Government, except confidential matter, blank forms, and circular letters not of a public character, or shall be done for use of Congressional committees, not of a confidential character, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House Libraries, respectively, and one copy each to the document rooms of the Senate and House, for reference; and these copies shall not be removed, and of all publications of the executive departments not intended for their especial use, but made for distribution, as many copies as may be required shall be at once delivered to the Superintendent of Documents for distribution to designated depositories and State and Territorial libraries. [Mar 1, 1907, c 2284, s 4, 34 Stat. 1014]

Sec. 145 Copies of journals and documents. Two copies of the Journals and Documents and of each book printed by either House of Congress, bound as provided in section 116 of Title 44, Public Printing and Documents, shall be deposited in the Library [R S s 97] [Jan 12, 1895, c 23, s 86, 28 Stat 622]

B. LIBRARIANS

(U S Code 1927, 1941 Suppl Title 2, p 16, 18, s 60a, *Ibid* Title 1, p 8, s 54a)

Sec. 60a. The following positions and annual (except where specified otherwise) rates of compensation are hereby established

Senate

* * * librarian, \$3,360, * * * first assistant librarian and keeper of stationery at \$3,120 each, assistant librarian, \$2,460, * * * messenger in library, \$1,560, * * * assistant in library, \$2,040 * * *

House of Representatives

* * * librarian, \$2,760, assistant librarian, and assistant file clerk, at \$2,520 each, assistant journal clerk, and assistant librarian, at \$2,460 each * * *

Note The act of July 1, 1941 (55 Stat 446, 451, 465, Pub Law 145) amends this act as follows the Senate librarian's salary is increased to \$3,600, and there are no longer (under those titles) an assistant librarian or messenger or assistant in the Senate library

Sec 54a * * * The Librarian of Congress is directed to cooperate with such committee [on the Revision of the Laws, of the House of Representatives] in the preparation of such ancillaries [to the Codes of Laws of the United States and of the District of Columbia and their supplements] * * *

3. LIBRARY OF GOVERNMENT PRINTING OFFICE

(U S Code, 1928, Title 44, p 34, s 81, U S Stats at Large, v 30, p 135,
Ibid v.35, p 1024)

Title 44, sec 81 **Documents for use of Public Printer.** The Public Printer may retain out of all documents, bills, and resolutions printed the number of copies absolutely needful for the official use of the Government Printing Office, not exceeding five of each. [Jan. 12, 1895, c 23, 28 Stat 618.]

U S Stats at Large, v 30, p 135. [An appropriation] **Library; Control; Librarian.** For the further establishment and maintenance of a library in the Government Printing Office, the uses of which shall be exclusively confined to the employees of said office and its branches, designations for the same from public documents printed and bound in said office to be made by the Public Printer, all of which shall be under regulations issued by the Public Printer, and for payment to a person or persons who shall have charge of such library, to be selected and appointed by the Public Printer, under such per diem or per annum compensation as he shall fix * * *

U S Stats at Large, v. 35, p 1024 **Transfers to D. C. Public Library.** That the serviceable books now contained in the Government Printing Office library, except those which in the judgment of the Public Printer should be retained for reference, shall be turned over to the Public Library of the District of Columbia, and that all unserviceable books be condemned and sold as waste paper

4. LIBRARIES OF EXECUTIVE DEPARTMENTS

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A. GENERAL PROVISIONS

(U S Code, Title 5, s 102, Title 31, s 530, Title 39, s 321b, Title 44, s 87, 92, 93)

Title 5, Sec 102 **Expenditures for newspapers.** The amount expended in any one year for newspapers, for any Department, except the Department of State, including all the bureaus and offices connected therewith, shall not exceed one hundred dollars, except where otherwise specifically authorized by law, but the foregoing provision shall not apply to the subscriptions to newspapers by the military information division No

executive officer, other than the heads of departments, shall apply more than \$30, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office [June 22, 1906, c 3514, s.7, 34 Stat. 449.]

Title 31, Sec 530 Payment in advance for periodicals. Subscription charges for newspapers, magazines, and other periodicals for official use of any office under the government of the United States or the municipal government of the District of Columbia may be paid in advance from appropriations available therefor [July 3, 1930, c.863, s 1]

Title 39, Sec 321b Restriction on privilege of executive departments and independent establishments; reports of free mail. This prohibition [against mailing of unsolicited matter by Executive Departments, etc.] shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries * * * [June 30, 1939, c 254, s 2, 53 Stat 989]

Sec 87 Libraries of Executive Departments and Military and Naval Academies constituted depositories. The libraries of the Executive Departments, of the United States Military Academy, and United States Naval Academy are hereby constituted designated depositories of Government publications, and the superintendent of documents shall supply one copy of said publications, in the same form as supplied to other depositories, to each of said libraries [Jan 12, 1895, c 23, s 98, 28 Stat 624]

Title 44, Sec 92 Government publications public property; free usage in depositories. All Government publications furnished by authority of law to officers (except members of Congress) of the United States Government, for their official use, shall be stamped "Property of the United States Government," and shall be preserved by such officers and by them delivered to their successors in office as a part of the property appertaining to the office Government publications furnished depository libraries shall be made available for the free use of the general public, and must not be disposed of except as the Superintendent of Documents may direct [As amended June 20, 1936, c.630, s 11, 49 Stat 1552]

Sec. 93 Exchange of documents. Heads of Departments are authorized to exchange surplus documents for such other documents and books as may be required by them, when the same can be done to the advantage of the public service [Jan 12, 1895, c 23, s 95, 28 Stat 623]

B. LIBRARY OF DEPARTMENT OF AGRICULTURE

(U S. Code 1927, Title 5, p 232, 235, 236, s 532, 548, 551)

Sec 532. Employees; from and to library and bureaus and offices. Employees of the Library may be temporarily detailed by the Secretary

of Agriculture for library service in the bureaus and offices of the department, and employees of the bureaus and offices of the department engaged in library work may also be temporarily detailed to the Library. [Mar. 4, 1911, c.238, 36 Stat. 1261]

Sec. 548. **Exchange of books.** The Secretary of Agriculture may exchange books and periodicals of the library not needed for permanent use for other books and periodicals [Mar 4, 1915, c.144, 38 Stat 1107.]

Sec. 551. **Sales of copies of card index of publications.** The Secretary of Agriculture may furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies * * * the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts. [Mar. 4, 1915, c.144, 38 Stat. 1109]

C. LIBRARY OF DEPARTMENT OF COMMERCE

(1) GENERAL PROVISIONS

(U S Code, 1927, Title 5, p 243, s.603)

Sec. 603. **Custody of buildings; officer transferred.** The Secretary of Commerce shall have charge, in the buildings or premises occupied by or appropriated to the Department of Commerce, of the library * * * and he shall be allowed to expend for periodicals and the purposes of the library * * * such sums as Congress may provide from time to time * * * [Feb 14, 1903, c.552, s 9, 32 Stat 829]

(2) LIBRARY OF THE COAST AND GEODETIC SURVEY

(a) Librarian

(U S. Stats. at Large, v 23, p 491)

(b) Sale and Distribution of Charts

(U S Code, 1928, Title 44, p 104, s 246)

Sec. 246 **Coast Geodetic Survey; charts; sale and distribution.** The charts published by the Coast and Geodetic Survey shall be sold at cost * * * and there shall be no free distribution of such charts except to the Departments and officers of the United States requiring them for public use; and a number of copies of each sheet, not to exceed three hundred, to be presented to such foreign governments, libraries, and scientific associations, and institutions of learning as the Secretary of Commerce may direct; but on the order of Senators, Representatives, and Delegates not to exceed ten copies to each may be distributed through the Director of the Coast and Geodetic Survey [June 30, 1932, c.314, s 501, 47 Stat. 415.]

(3) LIBRARY OF THE PATENT OFFICE

(U S. Code, Title 35, p.9, 6, 11, 695, s 10, 6, 15, 78; *Ibid.* 1941^{*}
Suppl. Title 44, p 21, s.283, 283a.)

Sec. 6 Duties of Commissioner. The Commissioner of Patents, under the direction of the Secretary of Commerce, * * * shall have charge of all books, records, papers, models, machines, and other things belonging to the Patent Office. [Feb. 14, 1903, c 552, s 12, 32 Stat. 830.]

Title 35, sec. 10. Library. There shall be purchased for the use of the Patent Office a library of such scientific works and periodicals, both foreign and American, as may aid the officers in the discharge of their duties, not exceeding the amount annually appropriated for that purpose [R.S s 486]

Sec 15 Exchange of printed copies of patents with Canada. The Commissioner of Patents of the United States is authorized to exchange with the Dominion of Canada, under such terms of contract as may by him be deemed practicable, printed copies of patents issued by the United States. [Jan 14, 1915, No 3, 38 Stat. 1221.]

Sec. 78 Patent fees. The Commissioner of Patents may supply public libraries of the United States with such copies as published, for \$50 per annum *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries. * * * [Aug 9, 1939, c 619, s 3, 53 Stat 1293.]

Sec 283 (Patent Office) Printing. The Commissioner of Patents, upon the requisition of the Secretary of Commerce, is authorized to continue the printing of the * * * Official Gazette of the United States Patent Office in numbers sufficient to supply all who shall subscribe therefor * * * also for exchange for other scientific publications desirable for the use of the Patent Office * * * [June 7, 1924, c 303, s 1, 43 Stat 592.]

Title 44, sec 283a (Patent Office) exchange of useful publications. The official Gazette may be exchanged for publications of a scientific or useful character published in this or any foreign country adapted to the needs and uses of the scientific library of the Patent Office.

NOTE—Appropriations provide for the purchase of law, professional, and other reference books and publications and scientific books, including their exchange and expenses of transporting publications of patents issued by the Patent Office to foreign governments.

(4) LIBRARY OF BUREAU OF STANDARDS

NOTE—The appropriation Act of February 25, 1903, 32 U S Stats at Large 874, provides for the salary of a librarian; annual appropriations for the general expenses of the Bureau of Standards provide for the purchase of books and periodicals, which may be exchanged when not needed for permanent use

D. DEPARTMENT OF THE INTERIOR**(1) GENERAL PROVISIONS**

NOTE—Appropriations for the Department provide for the purchase or exchange of

professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Department.

(2) LAW LIBRARY OF GENERAL LAND OFFICE

NOTE—An Act of April 17, 1900, 31 U S Stats. at Large 121, provides for a librarian for the law library of the General Land Office, to be selected by the Secretary of the Interior wholly with reference to his special fitness for such work

(3) LIBRARY OF BUREAU OF FISHERIES

NOTE—The general appropriation of March 3, 1893, 27 U. S Stats at Large 582, for the Fish^h Commission provides for the salary of a librarian Annual appropriations provide for the purchase of scientific and reference books, periodicals and newspapers for the library.

(4) LIBRARY OF GEOLOGICAL SURVEY

(U S Code 1928, Title 43, p 68, 70, s 36, 41, 42, *Ibid* 1928, Title 44, p 110, 112, s 260, 262; U S Stats at large, v 43, Stat 592, c 303, 54 Stat 212, c 190)

Title 43, sec.36. **Purchase of books.** The purchase of professional and scientific books and periodicals needed for statistical purposes hereafter by the scientific divisions of the United States Geological Survey is hereby authorized to be made and paid for out of appropriations made for the said Survey [June 28, 1902, c.1301, s 1, 32 Stat. 455.]

Sec 41. **Reports of operations.** * * * The publications of the Geological Survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands and reports upon general and economic geology and paleontology The annual report of operations of the Geological Survey shall accompany the annual report of the Secretary of the Interior. All special memoirs and reports of said survey shall be issued in uniform quarto series if deemed necessary by the Director, but otherwise in ordinary octavos Three thousand copies of each shall be published for scientific exchanges and for sale at the price of publication, and all literary and cartographic materials received in exchange shall be the property of the United States and form a part of the library of the organization, and the money resulting from the sale of such publications shall be covered into the Treasury of the United States, under the direction of the Secretary of the Interior [May 16, 1902, No 22, 32 Stat 741.]

Sec 42 **Distribution of maps and atlases.** The Director of the Geological Survey is authorized and directed, on the approval of the Secretary of the Interior, to dispose of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior, and a number of copies of each map or atlas, not exceeding five hundred, shall be distributed gratuitously among foreign governments and departments of our own Government, to literary and scientific associations, and to such educational institutions or libraries as may be designated by the Director of the Survey

and approved by the Secretary of the Interior. [Feb.18, 1897, No.13, s.1, 29 Stat. 701.]

Title 44, sec. 260. Geological Survey; publications; size of volumes; editions; additional copies; bulletins; reports on gauging of streams and utilities of water resources; additional copies, distribution. The publications of the Geological Survey shall consist of the annual report of the Director which shall be confined to one volume of royal octavo size; monographs of quarto size, professional papers, of quarto size; bulletins, of ordinary octavo size, water supply and irrigation papers, of ordinary octavo size, and such maps, folios, and atlases as may be required by law. * * * [Mar 4, 1909, c 299, s 1, 35 Stat 988.]

Sec. 262. Same; distribution of publications to public libraries. The Director of the Geological Survey shall distribute to public libraries that have not already received them such copies of sale publications as may remain on hand at the expiration of five years after date of delivery to the survey document room, excepting a reserve number not to exceed two hundred copies. [Mar 3, 1903, c 1007, s 1, 32 Stat. 1146.]

U. S. Stats at Large, v.43, p 592, ch 303 Official Gazette; special depositories. * * * The distribution of geological publications and the Official Gazette of the United States Patent Office to libraries designated as special depositories of such publications shall be discontinued

NOTE—An Act of February 18, 1922, 42 U S Stats at Large 391, provided for the distribution of the Official Gazette to eight such public libraries having over one thousand volumes, exclusive of Government publications, as shall be designated by each Senator, Representative, and Delegate in Congress

(54 Stat 212 c 190,)

The Director of the Geological Survey, under the general supervision of the Secretary of the Interior, is authorized to acquire for the United States, by gift or devise, scientific or technical books, manuscripts, maps, and related materials, and to deposit the same in the library of the Geological Survey for reference and use as authorized by law. [May 14, 1940.]

E. DEPARTMENT OF JUSTICE

(U. S. Code, 1941 Suppl Title 28, p 56, s 530, 53 Stats 1226, s 6)

NOTE—The Act of February 26, 1907, 34 U S. Stats at Large 986, provided for a librarian for the Department of Justice Appropriation Acts provide a sum for the purchase of law books, books of reference, and periodicals, including the exchange thereof; general appropriations for the Department of Justice also provide for the purchase of law books for the Solicitors of the Executive Departments

Title 28, Sec 530 Law Books for judges transmitted to successors. The law books purchased for United States judges, district attorneys, and other judicial officers, including the ten libraries of the United States circuit courts of appeals shall in all cases be transmitted to their successors in office; all books so purchased to be marked plainly, "The property of the United States" Provided, That not to exceed \$2. per volume shall

be paid for the current and future volumes of the United States Code, Annotated, and that the reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$6.50 per volume. [June 28, 1941, ch.258, Title IV, 55 Stat. 301.]

(Act of August 7, 1939; 53 Stat. 1226 §6)

All administrative powers and duties now conferred or imposed by law upon the Department of Justice, or the Attorney General, respecting clerks of courts, deputy clerks of courts and clerical assistants, law clerks, secretaries, and stenographers to the judges, and librarians in charge of libraries of the courts, and such other employees of the courts not excluded by section 304 of chapter XV as hereinbefore set forth, are hereby vested in the Administrative Office of the United States Courts

F. LIBRARY OF DEPARTMENT OF LABOR

(1) LIBRARY

(U. S. Code, 1927, Title 5, p 246, s 617)

Title 5, Sec 617 **Library, records, etc., of department.** The Secretary of Labor shall have charge * * * of the library * * * records, and other property pertaining to it or acquired for use in its business. He shall be allowed to expend for periodicals and the purposes of the library * * * such sums as Congress may provide from time to time [Mar. 4, 1913, c 141, s 6, 37 Stat. 738]

(2) LIBRARIAN

(U. S. Stats at Large, v 40, p 809, ch 130)

NOTE—Appropriations provide a sum for the purchase of newspapers, newspaper clippings, law books, books of reference, and periodicals

G. LIBRARY OF DEPARTMENT OF THE NAVY

(1) GENERAL PROVISIONS

(a) Librarian

NOTE—An Act of March 3, 1883, 22 U. S. Stats at Large 554, provides for one assistant messenger in care of the library; and, An Act of July 11, 1888, 25 U. S. Stats at Large 282, provides for a clerk for the Library of the Navy Department

(b) Transfer of Books

(U. S. Stats at Large, v 44, p 836, ch 763.)

Ch 763 The Secretary of the Navy is authorized to transfer such books as may not be required for the uses of the Navy Department to the Interior Department as the Secretary of the Interior may consider useful for educational purposes at the Indian school at Santa Fe, New Mexico, and other Indian schools throughout the United States

NOTE—Appropriations for the Department of the Navy provide a sum for professional and technical books and periodicals, law books, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books, and photographing for the Department library.

(2) LIBRARY OF HYDROGRAPHIC OFFICE

(U S. Code 1927, Title 5, p.211, s.458.)

Title 5, Sec. 458. **Sale of maps, charts, and books.** The Secretary of the Navy is authorized to cause to be prepared at the Hydrographic Office attached to the Bureau of Navigation, in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators' sailing directions and instructions as he may consider necessary and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe. [Jan. 12, 1895, c.23, s.77, 28 Stat. 621.]

NOTE—Appropriations provide for the purchase and printing of nautical books, charts, and sailing directions, translating from foreign languages, for books of reference and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office.

(3) LIBRARY OF NAVAL OBSERVATORY

NOTE—An Act of March 3, 1891, 26 U S Stats at Large 935, provides for an assistant librarian for the Naval Observatory. There is an annual appropriation for professional and scientific books and periodicals. Binding for the Naval Observatory, see 1K(6), herein. Deposit of documents, see 10C, herein.

(4) LIBRARY OF THE UNITED STATES NAVAL ACADEMY

NOTE—By an Act of August 29, 1916, 39 U S. Stats at Large 607, the Secretary of the Navy is authorized to employ a librarian for the Naval Academy.

H. LIBRARY OF THE POST OFFICE DEPARTMENT

NOTE—There is an annual appropriation for the purchase and exchange of law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the department.

I. LIBRARY OF THE DEPARTMENT OF STATE(U S Code, 1927, Title 5, p 103, s 161; *Ibid.* 1928, Title 44, p.55, 138)

Title 5, Sec 161 **State statutes to be procured.** The Secretary of State shall procure from time to time such of the statutes of the several States as may not be in his office.

NOTE—The annual appropriation provides for the purchase of books, maps, and periodicals, domestic and foreign, for the library [R S s 206]

Title 44, Sec 138 **Senate and House documents and report for Department of State.** The Public Printer * * * is authorized and directed to print, in addition to the usual number, and furnish the Department of State with twenty copies of each Senate and House of Representatives document and report.

NOTE—The Parliamentary Hansard of Canada to be the property of the State Department, see 1G, herein. [Feb. 7, 1896, No 14, 29 Stat 463]

J. TREASURY DEPARTMENT

(1) LIBRARY OF THE DEPARTMENT OF THE TREASURY

(U. S. Stats. at Large, v 30, p 26; U. S. Code, 1927, Title 14, p.76, s.107.)

Vol. 30, p 26. **Librarian.** The Secretary of the Treasury shall appoint, by transfer from a clerkship of class one, a librarian for the Treasury Department * * *

Title 14, Sec. 107. **Transfer of books from treasury department for use at stations.** The Secretary of the Treasury be, and he is hereby authorized, in his discretion, to transfer from time to time, from the Treasury Department library to the coast guard stations of the United States, such books as in his judgment may be no longer needed for use in said library. [Jan. 28, 1915, c.20, s 1, 38 Stat 800]

NOTE—The annual appropriations provide for the purchase of newspaper clippings, financial journals, law books, city directories, and other books of reference relating to the business of the Department

(2) U. S. COAST GUARD ACADEMY

(U. S. Code, 1941 Suppl. Title 44, p 6, s.87a)

Sec 87a **Library of United States Coast Guard Academy constituted depository.** The library of the United States Coast Guard Academy, New London, Connecticut, is hereby constituted a designated depository of Government publications, and the Superintendent of Documents shall supply to such library one copy of each such publication, in the same form as supplied to other designated depositories

Joint Resolution of April 13, 1936 (49 Stat 1206 c 214, cf 1,E)

The Librarian of Congress, with the advice and consent of the Library of Congress Trust Fund Board and the Joint Committee of Congress on the Library, is hereby authorized to accept, on behalf of the United States, the property devised and bequeathed to the United States by the last will and testament of Joseph Pennell, deceased (which will was admitted to probate by the register for the probate of wills and granting of letters of administration in and for the city and county of Philadelphia, in the Commonwealth of Pennsylvania, on the 24th day of June 1926), upon the terms and conditions set forth in the said will, if, in their judgment, such acceptance would be to the best interests of the Library.

Sec. 2 Should the property be accepted pursuant to the authority hereinbefore granted, the Librarian of Congress is hereby authorized and directed to do all acts necessary in connection therewith: *Provided, however,* That the Librarian of Congress shall transfer the assets of the 'Pennell Fund' (as designated in the said will), to the Library of Congress Trust Fund Board for administration by the said Board.

K. WAR DEPARTMENT**(1) GENERAL PROVISIONS**

(U. S. Code 1927, Title 5, p 111, s 191.)

Sec. 191. **Custody of departmental records and property.** The Secretary of War shall have the custody and charge of all the books, records, papers, * * * and other property appertaining to the department.
[R S. s.217]

NOTE—There is an annual appropriation for professional and scientific books and periodicals

(2) LIBRARY OF THE SURGEON GENERAL'S OFFICE

(U. S. Stats at Large, v 27, p 208)

NOTE—There is an annual appropriation for books and periodicals. Binding for the Surgeon General's Office

(3) LIBRARY OF THE UNITED STATES MILITARY ACADEMY

(U S Code, 1941, Suppl , Title 10, p 114, s 1161a , 55 Stat 384 Pub. Law 139)

NOTE—The Library of the United States Military Academy constituted a designated depository

5. INDEPENDENT GOVERNMENT ESTABLISHMENTS

A. GENERAL PROVISIONS

NOTE—Appropriations are made by Congress for the purchase of law books, books of reference, and periodicals, and for printing and binding for the Civil Service Commission, the Federal Power Commission, The Federal Trade Commission, the Interstate Commerce Commission, the Tariff Commission, and the United States Veteran's Bureau

B. SMITHSONIAN INSTITUTION

(U S Code, 1927, Title 20, p 22-28, s 50, 46, 51)

Title 20, Sec. 46 Duties of Secretary. The Secretary of the Board of Regents shall take charge of the building and property of the institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in the institution, and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants [R S s 5583]

Sec. 50. Reception and arrangement of specimens and objects of art
* * * The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the Institution [R S. s 5586]

Sec. 51. Library. The regents shall make, from the interest of the fund, an appropriation, not exceeding an average of \$25,000 annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge

NOTE—There is an annual appropriation for the purchase of books, pamphlets and periodicals for the Smithsonian Institution, for the Astrophysical Observatory, the Bureau of American Ethnology, the National Gallery of Art, and for the National Museum. Removal of the library of the Smithsonian Institution to the Library of Congress [R.S s.5587]

C. LIBRARY OF BUREAU OF EDUCATION

NOTE—The annual appropriation for the expenses of the Department of the Interior provides a sum for books for the library of the Bureau of Education for current educational periodicals, for the purchase, distribution, and exchange of educational documents, for collection, exchange, and cataloguing of textbooks, and educational reference books

6. DISTRICT OF COLUMBIA PUBLIC LIBRARY

A. GENERAL PROVISIONS

(U S Stats at Large, v 44, pt 2, p 229-230, c 98, D C. Code 20 1427)

Sec. 1. Establishment; actions; gifts. A free public library is hereby established and shall be maintained in the District of Columbia, which shall be the property of the said District and a supplement of the public educational system of said District. Said library shall consist of a central library and such number of branch libraries so located and so supported as to furnish books and other printed matter and information service convenient to the homes and offices of all residents of the said District. All actions relating to such library, or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the District of Columbia, and the Commissioners of the said District are authorized on behalf of said District to accept and take title to all gifts, bequests, and devises for the purpose of aiding in the maintenance or endowment of said library; and the Commissioners of said District are further authorized to receive, as component parts of said library, collections of books and other publications that may be transferred to them.

Sec. 2 Branches. In order to make the said library an effective supplement of the public educational system of the said District and to furnish the system of branch libraries provided for in section 1 hereof, the board of library trustees, hereinafter provided, is authorized to enter into agreements with the Board of Education of the said District for the establishment and maintenance of branch libraries in suitable rooms in such public school buildings of the said District as will supplement the central library and the branch libraries in separate buildings. The board of library trustees, hereinafter provided, is authorized within the limits of appropriations first made therefor, to rent suitable buildings or parts of buildings for use as branch libraries and distributing stations.

Sec. 3. Book loans; fees. All persons who are permanent or temporary residents of the District of Columbia shall be entitled to the privileges of said library, including the use of the books contained therein, as a lending or circulating library, subject to such rules and regulations as may be lawfully established in relation thereto. Persons living outside of the said District, but having regular business or employment or attending school in the said District, shall for the purpose of this Act be deemed temporary residents. Other persons residing in counties of Maryland and Virginia

adjacent to the said District may gain the privilege of withdrawing books from the said library by the payment of fees fixed by the board of library trustees hereinafter provided. After June 30, 1927, all fees shall be paid weekly to the collector of taxes of the District of Columbia for deposit in the Treasury of the United States to the credit of said District of Columbia.

Sec. 4. Trustees. The said library shall be in charge of a board of library trustees, who shall purchase the books, magazines, and newspapers and procure the necessary appendages for such library. The said board of trustees shall be composed of nine members, each of whom shall be a taxpayer in the District of Columbia, and shall serve without compensation. They shall be appointed by the Commissioners of the District of Columbia and shall hold office for six years: *Provided*, That at the first meeting of the said board the members shall be divided by lot into three classes. The first class, composed of three members, shall hold office for two years, the second class, composed of three members, shall hold office for four years; the third class, composed of three members, shall hold office for six years. Any vacancy occurring in said board shall be filled by the District Commissioners. Said board shall have power to provide such regulations for its organization and government as it may deem necessary.

Sec. 5 Same; powers; fines; librarian; assistants; reports. The said board shall have power to provide for the proper care and preservation of said library, to prescribe rules for taking and returning books, to fix, assess, and collect fines and penalties for the loss of or injury to books, and for the retention of books beyond the period fixed by library regulations, and to establish all other needful rules and regulations for the management of the library as the said board shall deem proper. All fines and penalties so collected shall after June 30, 1927, be paid weekly to the collector of taxes of the District of Columbia for deposit in the Treasury of the United States to the credit of said District of Columbia. The said board of trustees shall appoint a librarian to have the care and superintendence of said library, who shall be responsible to the board of trustees for the impartial enforcement of all rules and regulations lawfully established in relation to said library. The said librarian shall appoint such assistants as the board shall deem necessary to the proper conduct of the library. The said board of library trustees shall make an annual report to the Commissioners of the District of Columbia relative to the management of the said library.

Sec. 6 Maintenance; extensions. Said Commissioners of the said District are authorized to include in their annual estimates for appropriations such sums as they may deem necessary for the proper maintenance of said library, including branches, for the purchase of land for sites for library buildings, and for the erection and enlargement of necessary library buildings.

D C. Code, title 20, s 1427. Hereafter the Takoma Park branch shall be kept open at least seven hours per day on the same week days as the

Free Public Library shall be open to the public [Mar 4, 1913.] ,

NOTE—Appropriations for books, periodicals, and newspapers, and subscriptions for periodicals, newspapers, books, and society publications, carry with them the proviso, That the disbursing officer of the District of Columbia is authorized to advance to the librarian of the free Public Library, upon requisition previously approved by the auditor of the District of Columbia, sums of money not exceeding \$25 at the first of each month, to be expended for the purchase of certain books, pamphlets, numbers of periodicals or newspapers, and to be accounted for on itemized vouchers. There is usually an additional proviso that no money appropriated shall be expended in conducting library branches not then in operation, but the Act of May 21, 1928, excepts the Conduit Road Branch sub-branch from this proviso.

B. TRANSFER OF BOOKS TO

(U. S. Code, 1927, Title 5, p 94, s 110)

Sec 110. Transfer of miscellaneous books to District Public Library.

Any books of a miscellaneous character no longer required for the use of any executive department, or bureau, or commission of the Government, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Library of the District of Columbia, be turned over to that library for general use as a part thereof. [Feb 25, 1903, c 755, s 1, 32 Stat 865]

C. LIBRARY SITES

(U S Stats at Large, v 44, pt 2, p 375, ch 189.)

(b) The said [National Capital Park and Planning] commission is hereby charged with the duty of preparing, developing, and maintaining a comprehensive, consistent, and coordinated plan for the National Capital and its environs, which plan shall include recommendations to the proper executive authorities as to * * * school and library sites * * *

7. NATIONAL LIBRARY OF THE BLIND

(U. S. Code, 1927, Title 20, p 38, s 103.)

Sec. 103. Publications for National Library for the Blind. Two copies of each of the publications printed by the American Printing House for the Blind shall be furnished free of charge to the National Library for the Blind located at 1729 H Street northwest, Washington, District of Columbia. [Nov. 4, 1919, c.93, s.1, 41 Stat 332.]

NOTE—There is an annual appropriation for the aid and support of the National Library for the Blind

8. DEPOSIT AND DISTRIBUTION OF PUBLIC DOCUMENTS

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A. STATUTES AT LARGE

(U S Code, 1927, Title 2, p 54, s 144, *Ibid* 1941 Suppl Title 44, p.15, s 196a.)

Title 44, sec. 144 **Copies of Statutes at Large.** Ten of the copies of the Statutes at Large, published by Little, Brown and Co., which were deposited in the Library prior to February 5, 1859, shall be retained by the Librarian for the use of the justice of the Supreme Court, during the terms of court. [R S s 96]

196a **Same; distribution.** The Public Printer shall print, and after the final adjournment of each session of Congress, bind and deliver to the Superintendent of Documents as many copies of the Statutes at Large as may be required for distribution as follows:

To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion, * * *

To the Senate Library, not to exceed seventy-five copies;

To the House Library, not to exceed one hundred copies,

To the Library of Congress, for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty copies;

To the Library of the Supreme Court of the United States, for distribution to the Chief Justice and Associate Justices, the officers of the Court, and for use in the library, not to exceed twenty copies; * * *

To the library of the court of last resort of each State, Territory, and insular possession, and of the District of Columbia, each, one copy;

To each designated depository library in each State, Territory and insular possession, one copy ; * * *

To the library of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, one copy. [June 16, 1938, c 477, s 2, 52 Stat 761]

B. OFFICIAL PAPERS RELATING TO THE TERRITORIES

(1941 Suppl U S Code, Title 5, p 73, s 168a-168d.)

Sec. 168a-168d (**Territorial Papers**); printing and distribution; expenses of publication; employment of historical experts; appropriation.

168a. The Public Printer shall print, bind, and deliver to the Superintendent of Documents, for distribution as may be directed by the Secretary of State, one thousand two hundred and twenty-seven copies of each volume of the Official Papers Relating to the Territories of the United States, of which not to exceed three copies shall be furnished to the Vice President and each Senator and one copy to each Representative, Delegate, and Resident Commissioner, four copies to the library of the Department of the Interior; and one copy of each volume to those historical associations, commissions, museums, or libraries and other nondepository libraries, which shall not exceed eight in number within each State, Territory, or insular possession, and which have been or hereafter may be designated by the Governor thereof to the Secretary of State of the United States, and the residue of the said one thousand two hundred and twenty-seven copies shall be for the Department of State for such use as the Secretary of State may deem appropriate

168b In addition to the foregoing there shall be furnished to the Superintendent of Documents a sufficient number of copies of each volume for distribution to such depository libraries as may make written application therefor, and

To the Library of Congress for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty copies.

The "usual number" shall not be printed

168c The historical associations, commissions, museums, or libraries and other nondepository libraries within each State, Territory, or insular possession which have been or hereafter may be designated by the Governor thereof to receive these publications shall, during their existence, receive the succeeding volumes, the distribution of which shall be made by the Superintendent of Documents in accordance with the lists of designations transmitted to him by the Secretary of State, and a new designation may be made by the Governor only when a designated association, commission, museum, or library shall cease to exist or other designation may be authorized by law

168d. For defraying the expenses to be incurred in carrying out the provisions of this Act, including the employment, either in or outside of the District of Columbia, of not to exceed five historical experts, especially informed on the various phases of the territorial history of the United States, without regard to the Classification Act of 1923, as amended, and the civil-service rules, and for all other purposes, including salaries for personnel, printing and binding, contingent expenses and traveling expenses, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of \$125,000, and under this authorization not more than \$50,000 shall be appropriated for any one year. [June 28, 1937, c 386, 50 Stat. 323]

C. FEDERAL REPORTER

(1941 Suppl U S Code, Title 28, p 36, s 337)

Sec 337 **Distribution of Federal Reporters and digests.** The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to * * * the Supreme Court of the United States, * * * the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission * * * [June 25, 1936, c 804, 49 Stat. 1921]

D. DISTRIBUTION OF SUPERINTENDENT OF DOCUMENTS

(U S Code, 1928, Title 44, p 30, 33, 34, s 71, 76, 77, 78)

Sec 71. **Superintendent of Documents; sale of documents.** The Superintendent of Documents * * * shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the executive departments, * * * and those printed for the use of the two Houses of Congress. * * * [Jan 12, 1895, c.23, s 66, 28 Stat. 610]

Sec 76. **Index of documents; number and distribution.** The Superintendent of Documents shall, at the close of each regular session of Congress, prepare and publish a comprehensive index of public documents, upon such plan as shall be approved by the Joint Committee on Printing; * * * He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index such single volumes of documents as the Joint Committee on printing shall direct Of the comprehensive index and of the consolidated index two thousand copies each shall be printed and bound in addition to the usual number, * * * one thousand copies for distribution by the Superintendent of Documents. [Jan. 12, 1895, c.23, s.62, 28 Stat. 610]

Sec. 77. Catalog of Government publications. A catalogue of Government publications shall be prepared by the Superintendent of Documents on the 1st day of each month, which shall show the documents printed during the preceding month, where obtainable, and the price thereof. Two thousand copies of such catalogue shall be printed in pamphlet form for distribution [Jan. 12, 1895, c 23, sec. 69, 28 Stat. 612]

Sec 78. Documents in charge of departments to be turned over to Superintendent of Documents. All public documents accumulating in the several executive departments, bureaus, and office not needed for official use shall be annually turned over to the Superintendent of Documents for distribution or sale [Jan. 12, 1895, c.23, s 67.]

E. HOUSE AND SENATE DOCUMENTS

(U S Code, 1928, Title 44, p 48, s 131)

Sec. 131. "Usual number" of documents and reports; distribution of House and Senate documents and reports; bidding; reports on private bills; number of copies printed; distribution. Whenever any document or report shall be ordered printed by Congress, such order to print shall signify the "usual number" of copies for binding and distribution among those entitled to receive them. No greater number shall be printed unless ordered by either House, or as hereinafter provided. When a special number of a document or report is ordered printed, the usual number shall also be printed, unless already ordered. The usual number of documents and reports shall be distributed as follows

Of the House documents and reports, unbound. To the Senate document room, one hundred and fifty copies; to the office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the Clerk's office of the House, twenty copies; to the Library of Congress, two copies, as provided in section 139 of this title; to the Governor General of the Philippine Islands at Manila, three copies, as provided in section 164 of this title.

Of the Senate documents and reports, unbound. To the Senate document room, two hundred and twenty copies, office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the Clerk's office of the House, ten copies; to the Library of Congress, two copies, as provided in section 139 of this title; to the Governor General of the Philippine Islands at Manila, three copies, as provided in section 164 of this title

Of the number printed, the Public Printer shall bind a sufficient number of copies, which shall be distributed as follows:

Of the House documents and reports, bound. To the Senate library, fifteen copies; to the Library of Congress, one hundred and twenty-five copies, as provided in section 139 of this title; to the House library, fifteen copies; to the Superintendent of Documents, as many copies as may be required for

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distribution to the State and Territorial libraries and designated depositories.

Of the Senate documents and reports, bound. To the Senate library, fifteen copies; to the Library of Congress, one hundred and twenty-five copies, as provided in section 139 of this title; to the House library, fifteen copies; to the Superintendent of Documents, as many copies as may be required for distribution to State and Territorial libraries and designated depositories. In binding documents the Public Printer shall give precedence to those that are to be distributed to libraries and to designated depositories. But any State or Territorial library or designated depository entitled to documents that may prefer to have its documents in unbound form, may do so by notifying the Superintendent of Documents to that effect prior to the convening of each Congress.

All of the "usual number" shall be printed at one time.

The usual number of reports on private bills, concurrent or simple resolutions, shall not be printed. In lieu thereof there shall be printed of each Senate report on a private bill, simple or concurrent resolution, three hundred and forty-five copies, in addition to those required to be furnished the Library of Congress, which shall be distributed as follows: To the Senate document room, two hundred and twenty copies; to the Secretary of the Senate, fifteen copies, to the House document room, one hundred copies; to the Superintendent of Documents, ten copies, and of each House report on a private bill, simple or concurrent resolution, two hundred and sixty copies, in addition to those for the Library of Congress, which shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies, to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies. Nothing herein shall be construed to prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries; nor shall it operate to abridge in any way the right of the Vice President, Senators, Representatives, Delegates, Resident Commissioners, Secretary of the Senate, and Clerk of the House to have bound in half morocco, or material not more expensive, one copy of every public document to which he may be entitled. Not less than twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room. [Mar. 3, 1925, c.421, s.6, 7, 43 Stat 1106]

F. INTERNATIONAL EXCHANGE

(1941 Suppl U S Code, Title 44, p 8, s 139a, 139.)

139a International exchange of government publications. For the purpose of more fully carrying into effect the provisions of the convention concluded at Brussels on March 15, 1886, and proclaimed by the President of the United States on January 15, 1889, there shall hereafter be supplied to

the Library of Congress not to exceed one hundred and twenty-five copies each of all Government publications, including the daily and bound copies of the Congressional record, for distribution, through the Smithsonian Institution, to such foreign governments as may agree to send to the United States similar publications of their governments for delivery to the Library of Congress [June 20, 1936, c.630, s 6, 49 Stat. 1550]

139. Distribution of government publications to the Library of Congress. There shall be printed and furnished to the Library of Congress for official use in Washington, District of Columbia, and for international exchange as provided in section 139 of this title, not to exceed one hundred and fifty copies of the publications described in this section, to wit: House documents and reports, bound; Senate documents and reports, bound; Senate and House journals, bound; public bills and resolutions; the United States Code and supplements, bound, the Official Register of the United States, bound, and all other publications and maps which are printed, or otherwise reproduced, under authority of law, upon the requisition of any Congressional committee, executive department, bureau, independent office, establishment, commission, or officer of the Government. *Provided*, That confidential matter, blank forms, and circular letters not of a public character shall be excepted

In addition to the foregoing, there shall be delivered as printed to the Library of Congress ten copies of each House document and report, unbound, ten copies of each Senate document and report, unbound; and ten copies of each private bill and resolution and fifty copies of the laws in slip form [As amended June 20, 1936, c 630, s 6, 49 Stat 1550]

G. HOUSE AND SENATE JOURNALS

(U. S Code, 1927, Title 2, p 55, s 146, *Ibid* 1941 Suppl p 30, s 145,
Title 44, p 59, s 147)

Title 2, Sec 145 **Copies of journals and documents.** Two copies of the journals and documents, and of each book printed by either House of Congress, bound as provided in section 116 of Title 44, Public Printing and Documents, shall be deposited in the Library, and must not be taken therefrom [Jan 12, 1899, c 23, s 86, 28 Stat 622]

Sec 146 **Deposit of journals of Senate and House.** Twenty-five copies of the public journals of the Senate, and of the House of Representatives, shall be deposited in the Library of the United States, at the seat of Government, to be delivered to members of Congress during any session, and to all other persons authorized by law to use the books in the Library, upon their application to the Librarian, and giving their responsible receipts for the same, in like manner as for other books. [R.S s 98]

Title 44. Sec. 147. **Journal of House of Congress.** There shall be printed of the Journals of the Senate and House of Representatives eight hundred and twenty-two copies, which shall be distributed as follows: * * * to the

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Senate library ten copies, * * * to the Department of State four copies; to the Superintendent of Documents one hundred and forty-four copies to be distributed to three libraries in each of the States and Territories to be designated by the Superintendent of Documents; (see 1G, herein) * * * to the library of the House of Representatives ten copies. * * * [Mar. 3, 1925, c.421, s.7, 43 Stat. 1106.]

H. CONGRESSIONAL RECORD

(1941 Suppl U S Code, Title 44, p 12, s 183)

Sec 183 **Same; gratuitous copies; delivery; subscriptions.** The Congressional Record shall also be furnished as follows: * * *

To the Library of Congress for official use in Washington, District of Columbia, and for international exchange, as provided in title IV of this Act, not to exceed one hundred and forty-five copies of the daily, five semi-monthly copies, and one hundred and fifty bound copies.

To the Library of the Senate, three copies of the daily, two semi-monthly copies, and not to exceed fifteen bound copies.

To the Library of the House of Representatives, five copies of the daily, two semi-monthly copies, and not to exceed twenty-eight bound copies, of which eight copies may be bound in such style and manner as may be approved by the Joint Committee on Printing.

To the library of the Supreme Court of the United States, two copies of the daily, two semi-monthly copies, and not to exceed five bound copies * * *

To the library of each executive department, independent office, and establishment of the Government now in Washington, District of Columbia, or which hereafter may be created, except those designated as depository libraries, and to the libraries of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, two copies of the daily, one semi-monthly copy, and one bound copy * * *

To the Superintendent of Documents, as many daily and bound copies as may be required for distribution to depository libraries. [June 20, 1936, c.630, s.3, 49 Stat. 1547]

I. TRANSFER OF RECORDS

(1941 Suppl U S Code, Title 44, p 35, s 355)

Sec. 355 **Disposal of records; report to Congress on disposals.** If such joint committee [on disposition of Government records] report that any of the records described in the lists referred to them are not needed or useful in the transaction of the current business of the agency by which they were reported to the Archivist and have no permanent value or historical interest to the Federal Government, then it shall be the duty of the head of said agency to dispose of said records by one of the following methods: * * *

(c) By transfer (without cost to the United States Government) to any State or dependency of the United States of America or to any appropriate

educational institution, library, museum, historical, research, or patriotic organization therein, that has made application to him therefor, through the Archivist of the United States. All moneys derived from the sale of such records shall be paid into the Treasury of the United States by said agency.

If said joint committee shall fail to make a report during any regular or special session of Congress on any list of records that has been submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the agency by which such records were reported to him to dispose of them by any of the methods prescribed in this section.

If it shall appear to the Archivist that any records reported to him in the manner prescribed by section 1 of this Act, while Congress is not in session, have no permanent value or historical interest and have the same form numbers or form letters or are of the same specific kind as other records of the same agency previously authorized for disposition by Congress, he may empower said agency to make disposition of said similar records by any of the methods prescribed in this section * * * [Aug. 5, 1939, c 481, s 5, 53 Stat 1220.]

J. OFFICIAL REGISTER

(1941 Suppl U S Code, Title 44, p 21, s 280a)

Sec. 280a. Distribution of Official Register. Of the Official Register there shall be printed, bound, and delivered to the Superintendent of Documents and charged to the Congressional allotment for printing and binding a sufficient number of copies for distribution as follows * * * to the library of the Senate and the House, each, not to exceed fifteen copies, to the library of the Supreme Court, two copies, to the Library of Congress, for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty copies; to the municipal library of the District of Columbia, two copies * * * [Aug 28, 1935, c 795, s 3, 4, 49 Stat 957]

K. SUPREME COURT REPORTS

(U S Code, 1941 Suppl title 28, p 35, s 334)

Sec. 334. (Judicial Code, Section 227, Amended.) Printing, binding, and distribution of reports and digests. The reports provided for in section 332 of this title shall be printed, bound and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court reports as follows: * * * to the law library of the Department of Justice, five copies; to the law library of the Judge Advocate General of the Army, two copies. * * * [June 25, 1936, c.804, 49 Stat. 1921.]

L. PUBLIC DEPOSITORIES

(U. S Code, title 44, p.35-37, 63, 64, s.82-86, 88, 90, 143, 157)

Title 44, sec. 82. Distribution of copies of publications to designated depositories. The copies of journals, books, and public documents which are or may be authorized to be distributed to incorporated bodies, institutions, and associations within the States and Territories, shall be distributed to such bodies as shall be designated by each of the Senators from the several States, respectively, and by the Representatives in Congress from each congressional district, and by the Delegate from each Territory. The distribution shall be made in such manner that the quantity distributed in each congressional district and Territory shall be equal. [Mar. 1, 1907, c 2284, s 4, 34 Stat. 1014.]

Sec 83. Designation of depositories. The selection of an institution to receive the documents ordered to be published or procured at the first session of any Congress shall control the documents of the entire Congress, unless another designation be made before any distribution has taken place under the selection first made. And the public documents to be distributed by the Superintendent of Documents shall be sent to the institutions already designated, unless he shall be satisfied that any such institution is no longer a suitable depository of the same. Congressional journals and public documents, authorized to be distributed to institutions on the designation of members of Congress, shall be sent to such libraries and institutions only as shall signify a willingness to pay the cost of their transportation. [Jan 12, 1895, c.23, s 53, 61, 28 Stat 608, 610.]

Sec. 84 Libraries as depositories continued; new designations. Libraries designated by law prior to June 23, 1913, as depositories to receive books and other Government publications shall, during their existence, continue such receipt, and new designations may be made when libraries chosen shall cease to exist or other designations shall be authorized by law. [June 23, 1913, c 3, s 5, 38 Stat 75]

Sec 85. Distribution of copies of publications to designated depositories and libraries; land-grant colleges as depositories. Upon request of the Superintendent of Documents, the Public Printer is hereby authorized and directed to either increase or diminish the number of copies of publications furnished for distribution, to designated depositories and State and Territorial libraries so that the number of copies delivered shall be equal to the number of libraries on the list. *Provided*, That the number thus delivered shall at no time exceed the number authorized under existing statute: *Provided further*, That the Public Printer shall furnish the necessary number of copies as above provided, of the Journals of the Senate and House of Representatives, of all publications, not confidential in character, printed upon the requisition of any Congressional committee, of all Senate and House Public bills and resolutions, and of all reports on private bills, concurrent or simple resolutions. The allotment of copies furnished for dis-

tribution to libraries shall be increased or reduced, from time to time, as the redistricting of States or the rearrangement of depository lists under provisions of law shall demand, to such numbers as may be necessary to comply with the law. All land-grant colleges shall be constituted as depositories for public documents, subject to the provisions and limitations of the depository laws.

Any provision contained in sections 54, 55, or 57 of the Printing Act of 1895 (28 Stat 608, 609; U.S.C. title 44, secs 131, 147, and 189, or any other Act), which may be inconsistent herewith, is hereby repealed to the extent of such inconsistency only [June 25, 1938, c.708, 52 Stat 1206.]

Sec 86 Investigation libraries designated as depositories. The Superintendent of Documents shall thoroughly investigate the condition of all libraries that are designated depositories, and whenever he shall ascertain that the number of books in any such library, other than college libraries, is below one thousand, other than Government publications, or it has ceased to be maintained as a public library, he shall strike the same from the list, and the Senator, Representative, or Delegate shall designate another depository that shall meet the conditions herein required [Jan 12, 1895, c.23, s 70, 28 Stat 612]

Sec. 88. American Antiquarian Society to be depository. One copy of the public journals of the Senate and of the House of Representatives, and of the documents published under the orders of the Senate and House of Representatives, respectively, shall be transmitted to the Executive of the Commonwealth of Massachusetts for the use and benefit of the American Antiquarian Society of said Commonwealth [Dec 1, 1814, No 7, 3 Stat 248]

Sec 143 Binding of publications for distribution to libraries. In binding of congressional documents and reports for distribution by the Superintendent of Documents to State and Territorial libraries and other designated depositories, every publication of sufficient size on any one subject shall be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The Public Printer shall supply the Superintendent of Documents sufficient copies of those publications distributed in unbound form, to be bound and distributed to the State and Territorial libraries and other designated depositories for their permanent files. The library edition, as well as all other bound sets of congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing. [Jan 15, 1908, No.3, s.2, 35 Stat 566]

Sec 157 Distribution of documents to Congressmen. * * * [After distribution to members of Congress] the remainder of the documents thus resulting shall be turned over to the Superintendent of Documents, to be distributed by him, first, to public and school libraries for the purpose of

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completing broken sets, second, to public and school libraries that have not been supplied with any portions of such sets, and, lastly, by sale to other persons; said libraries to be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the Superintendent of Documents shall see that as far as practicable an equal allowance is made to each Senator, Representative, and Delegate. [April 6, 1904, c.862, 33 Stat 159]

9. MISCELLANEOUS PROVISIONS

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A. PRIVILEGES OF INVESTIGATORS AND STUDENTS IN GOVERNMENT DEPARTMENTS

(U S. Code, 1927, Title 20, p 32, s 91)

Sec 91 **Literary and scientific collections accessible to investigators and students.** The facilities for study, research and illustration in the Government departments and in the following and any other governmental collections now existing or hereafter to be established in the city of Washington for the promotion of knowledge shall be accessible, under such rules and restrictions as the officers in charge of each department or collection may prescribe, subject to such authority as is now or may hereafter be permitted by law, to the scientific investigators and to duly qualified individuals, students and graduates of any institution of learning in the several States and Territories and the District of Columbia, to wit. 1 Of the Library of Congress 2 Of the National Museum 3 Of the Patent Office. 4 Of the Bureau of Education 5 Of the Bureau of Ethnology. 6. Of the Army Medical Museum 7 Of the Department of Agriculture 8. Of the Bureau of Fisheries 9 Of the Botanic Garden 10 Of the Coast and Geodetic Survey 11 Of the Geological Survey 12 Of the Naval Observatory. 13. Of the Zoological Park 14 Of the Government Printing Office [Mar. 3, 1901, c.831, 31 Stat 1039]

B. PROTECTION OF LIBRARY PROPERTY

(U S Code 1927, Title 18, p 290, s 102)

Sec. 102 **Stealing, defacing, etc., books, pamphlets, or manuscripts in Library of Congress or other public libraries.** Any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof, belonging to the Library of Congress, or to any public library in the District of Columbia, whether the property

of the United States or of any individual or corporation in said District, or who shall steal, wrongfully deface, injure, mutilate, tear or destroy any book, pamphlet, document, manuscript, print, engraving, medal, newspaper, or work of art, the property of the United States, shall, be held guilty of a misdemeanor, and, on conviction thereof, shall when the offense is not otherwise punishable by some statute of the United States, be punished by a fine of not less than ten dollars nor more than one thousand dollars, and by imprisonment for not less than one nor more than twelve months, or both for every such offense [June 19, 1878, c 317, 20 Stat. 171]

C. THE FRANKLIN D. ROOSEVELT COLLECTION

(53 Stat 1062-1066)

Title I—Definitions

Sec 1 As used in this joint resolution—

- (a) The term “donor” means Franklin D. Roosevelt
- (b) The term “historical material” includes books, correspondence, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, and other similar material
- (c) The term “Board” means the Trustees of the Franklin D Roosevelt Library

Title II—Franklin D. Roosevelt Library

Sec. 201. The Archivist of the United States is authorized to accept for and in the name of the United States from the donor, or from such person or persons as shall be empowered to act for the donor, title to a tract of land consisting of an area of twelve acres, more or less, of the Hyde Park estate of the donor and his family, located on the New York-Albany Post Road, in the town of Hyde Park, Dutchess County, State of New York, such area to be selected and carved out of the said estate by the donor and to be utilized as a site for the Franklin D. Roosevelt Library provided for in this title

Sec. 202 The Archivist is authorized to permit the Franklin D. Roosevelt Library, Incorporated, a New York corporation organized for that purpose, to construct on the area referred to in section 201 of this title a building, or buildings, to be designated as the Franklin D Roosevelt Library, and to landscape the grounds within the said area. Such project shall be carried out in accordance with plans and specifications approved by the Archivist The Federal Works Administration is authorized to permit the facilities and personnel of the Public Building Administration to be utilized in the preparation of plans for and in the construction and equipping of the project *Provided*, That the Franklin D Roosevelt Library, Incorporated, shall enter into an arrangement satisfactory to the

Secretary of the Treasury to reimburse the said Public Building Administration for the costs and expenses incurred for such purposes, as determined by the Federal Works Administration.

Sec. 203. Upon the completion of the project authorized in section 202 of this title, the Archivist shall accept for the Franklin D. Roosevelt Library, as a gift from the donor, such collection of historical material as shall be donated by the donor. The Archivist may also acquire for the said Library from other sources, by gift, purchase, or loan, historical books related to and other historical material contemporary with and related to the historical material acquired from the donor. The historical material acquired under this section shall be permanently housed in the Franklin D. Roosevelt Library: *Provided*, That the Archivist may temporarily remove any of such material from the said Library when he deems it to be necessary: *And Provided further*, That the Archivist may dispose of any duplicate printed material in the said Library by sale or exchange, and, with the approval of the National Archives Council, may dispose of by sale, exchange, or otherwise any material in the said Library which appears to have no permanent value or historical interest. The proceeds of any sale made under this section shall be paid into the special account provided for in subsection (d) of section 205 of this title, to be held, administered, and expended in accordance with the provisions of that subsection.

Sec 204 The faith of the United States is pledged that, upon the construction of the Franklin D. Roosevelt Library and the acquisition from the donor of the collection of historical material in accordance with the terms of this title, the United States will provide such funds as may be necessary for the upkeep of the said Library and the administrative expenses and costs of operation thereof, including the preservation and care of historical material acquired under this title, so that the said Library shall be at all times properly maintained.

Sec. 205.

- (a) A Board to be known as the Trustees of the Franklin D. Roosevelt Library is hereby established. The Archivist and the Secretary of the Treasury shall be ex officio members, and the Archivist shall be chairman of the Board. There shall also be five members of the Board appointed by the President for life, but the President may remove any such member for cause. Vacancies on the Board shall be filled by the President. Membership on the Board shall not be deemed to be an office within the meaning of the Constitution and statutes of the United States.
- (b) No compensation shall be paid to the members of the Board for their services as such members, but they shall be allowed their necessary expenses incurred in the discharge of their duties under this title. The certificate of the chairman of the Board shall be sufficient evidence that the expenses are properly allowable.

- (c) The Board is hereby authorized to accept and receive gifts and bequests of personal property and to hold and administer the same as trust funds for the benefit of the Franklin D Roosevelt Library. The moneys or securities composing trust funds given or bequeathed to the Board shall be receipted for by the Secretary of the Treasury who shall invest, reinvest, and retain investments as the Board may from time to time determine. *Provided, however,* That the Board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in such trust funds, nor shall the Secretary of the Treasury make any investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, except that he may make any investment directly authorized by the instrument of gift under which the funds to be invested are derived, and may retain any investments accepted by the Board.
- (d) The income from any trust funds held by the Board, as and when collected, shall be deposited with the Treasurer of the United States who shall enter it in a special account to the credit of the Franklin D Roosevelt Library and subject to disbursement by the Archivist, except where otherwise restricted by the instrument of gift, in the purchase of equipment for the Franklin D Roosevelt Library, in the preparation and publication of guides, inventories, calendars, and textual reproduction of material in the said Library, and in the purchase, under section 203 of this title, of historical material for the said Library. The Archivist may make sales of any publications authorized by this section at a price which will cover their cost and 10 per centum added, and all moneys received from such sales shall be paid into, administered, and expended as a part of the special account herein provided for.
- (e) Unless otherwise restricted by the instrument of gift, the Board, by resolution duly adopted, may authorize the Archivist to use the principal of any gift or bequest made to it for any of the purposes mentioned in subsection (d) hereof.
- (f) The Board shall have all the usual powers of a trustee in respect to all funds administered by it, but the members of the Board shall not be personally liable except for misfeasance. In the administration of such trust funds the actions of the Board, including any payments made or authorized to be made by it from such funds, shall not be subject to review or attack except in an action brought in the United States District Court for the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provision of any trust accepted by the Board.

Sec. 206. The Commissioner of Public Buildings shall be responsible for the care, maintenance, and protection of the buildings and grounds of the Franklin D Roosevelt Library in the same manner and to the same extent as he is responsible for the National Archives Building in the District of Columbia. Except as provided in the preceding sentence, the immediate custody and control of the Franklin D. Roosevelt Library, and such other buildings, grounds, and equipment as may from time to time become a part thereof, and their contents shall be vested in the Archivist of the United States, and he is authorized to appoint and prescribe the duties of such officers and employees, including clerical assistance for the Board, as may be necessary for the execution of the functions vested in him by this title.

Sec. 207. The Archivist shall prescribe regulations governing the arrangement, custody, protection, and use of the historical material acquired under this title; and, subject to such regulations, such material shall be available to the public free of charge. *Provided*, That the Archivist is authorized to charge and collect, under regulations prescribed by him, a fee not in excess of 25 cents per person for the privilege of visiting and viewing the exhibit rooms or museum portion of the said Library, and any funds so derived shall be paid by the Archivist into the special account provided for in subsection (d) of section 205 of this title, to be held, administered, and expended under the provisions of that subsection.

Sec 208 The Archivist shall make to the Congress, at the beginning of each regular session, a report for the preceding fiscal year as to the Franklin D Roosevelt Library. Such report shall include a detailed statement of all accessions, all dispositions of historical material, and all receipts and expenditures on account of the said Library.

Sec 209 The costs incurred by the Archivist in carrying out the duties placed upon him by this title, including the expenses of the members of the Board and the costs of the Board's necessary clerical assistance, shall be paid out of the appropriations for The National Archives Establishment as other costs and expenses of The National Archives Establishment are paid, and such sums as may be necessary for such purposes are hereby authorized to be appropriated.

Title III—Franklin D. Roosevelt Residence

Sec 301 The head of any executive department, pursuant to agreement between him and the donor, may accept for and in the name of the United States from the donor, or from such person or persons as shall be empowered to act for the donor, title to any part or parts of the said Hyde Park estate of the donor and his family which shall be donated to the United States for use in connection with any designated function of the Government administered in such department. The title to any such property may be accepted under this section notwithstanding that it may be subject to the life estate of the donor or of any other person or persons.

now living: *Provided*, That during the continuance of any life estate reserved therein no expense to the United States in connection with the ordinary maintenance of the property so acquired shall be incurred: *Provided further*, That the acceptance hereunder by the United States of the title to property in which any life estate is reserved shall not during the existence of such life estate exempt the property, except to the extent provided in section 304 of this title, from taxation by the town of Hyde Park, Dutchess County, or the State of New York as other real property in the said town, county, or State is taxed under the applicable laws relating to taxation of real property.

Sec. 302 Upon the expiration of all life estates reserved in any property acquired under this title for use in connection with a designated function of the Government, or, if no life estate is reserved, immediately upon the acceptance of title thereto, the head of the department administering the said function shall assume jurisdiction and control over the property so acquired and administer it for the purpose designated, subject to the applicable provisions of law

Sec 303 The right is reserved in the Congress to take such action and to make such changes, modifications, alterations, and improvements in connection with and upon any property acquired under this title, during or after the expiration of any life estate reserved therein, as the Congress shall deem proper and necessary to protect and preserve the same, but neither the improvements so made nor any increase in the value of the property by reason thereof shall be subject to taxation during the existence of any life estate reserved in the property

D. POSTAGE RATES ON LIBRARY BOOKS

(U S Code, 1941 Suppl Title 39, p 37, 40, s 293a, 331)

Sec 293a **Postage on books sent by public libraries or associations not organized for profit; rates of postage.** Books, consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when sent by public libraries, organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, as a service to county or other unit libraries or as a loan to readers or when returned by the latter libraries or readers to such public libraries, organizations, or associations shall be charged with postage at the rate of 3 cents for the first pound or fraction thereof, and 1 cent for each additional pound or fraction thereof, except that the rates now or hereafter prescribed for third or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed herein for books under this classification *Provided*, That this rate shall apply only to such books as are addressed for local delivery, for delivery in the first, second, or third zone, or within the State in which mailed.

Public libraries, organizations, or associations before being entitled to the foregoing rates shall furnish to the Postmaster General under such regulations as he may prescribe, satisfactory evidence that none of the net income of such organizations inures to the benefit of any private stockholder or individual [Feb 28, 1925, c.368, s.207(d), as added May 29, 1928, c 856, s 7, 45 Stat. 943]

Sec 331. Reading matter for blind; Bibles; reproducers for sound-reproduction records. Books, pamphlets and other reading matter published either in raised characters, whether prepared by hand or printed or in the form of sound-reproduction records for the use of the blind, in packages not exceeding the weight prescribed by the Postmaster General, and containing no advertising or other matter whatever, unsealed, and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries; magazines, periodicals, and other regularly issued publications in such raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements and for which no subscription fee is charged, shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe

Volumes of the Holy Scriptures, or any part thereof, published either in raised characters, whether prepared by hand or printed, or in the form of sound-reproduction records for the use of the blind, which do not contain advertisements (a) when furnished by an organization, institution, or association not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage. (b) when furnished by an organization, institution, or association not conducted for private profit, to a blind person at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof, under such regulations as the Postmaster General may prescribe

Reproducers for sound-reproduction records for the blind or parts thereof which are the property of the United States Government, when shipped for repair purposes by an organization, institution, public library, or association for the blind not conducted for private profit, or by a blind person to an agency not conducted for private profit, or from such an agency to an organization, institution, public library, or association for the blind not conducted for private profit, or to a blind person, may be transmitted, through the mails at the rate of 1 cent per pound or fraction thereof; under such regulations as the Postmaster General may prescribe.

The Postmaster General may in his discretion extend this rate of 1 cent per pound or fraction thereof to reproducers for sound-reproduction records for the blind, or parts thereof, which are the property of State governments or subdivisions thereof, or of public libraries, or of private agencies for

the blind not conducted for private profit, or of blind individuals, under such regulations as he may prescribe

All letters written in point print or raised characters or on sound-reproduction records used by the blind, when unsealed, shall be transmitted through the mails as third-class matter " [Oct. 14, 1941, c 437, 55 Stat. 737.]

[NOTE—This provision is amended and superseded by Public Law 270 of October 14, 1941; the amendment merely adds the words "and, when mailed to be repaired or being returned after repair, to Braille writers and other appliances for the blind, or parts thereof," before "which," in the next to the last paragraph]

E. GENERAL PROVISIONS

(U. S. Code, Title 15, s 13c, Title 31, s 174)

Title 15, Sec 13c **Exemption of nonprofit institutions from price discrimination provisions.** Nothing in sections 13, 13a, 13b, and 21a of this title, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit [May 26, 1938, c 383, 52 Stat 446]

Title 31, Sec. 174 **Impressions of portraits.** That the Secretary of the Treasury at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, be and he is hereby authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests. [Dec. 22, 1879, c 2, 21, Stat 59]

PART II
THE STATES

ALABAMA

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A. DEPARTMENT OF ARCHIVES AND HISTORY

(1) GENERAL PROVISIONS

(Code of Alabama 1940, Title 55, p 358-362, s 255-271)

Sec 255. (1398) (793) **Department of archives and history established.** There shall be a department of archives and history, to be located at Montgomery.

Sec 256 (1399) (794) **Objects and purposes.** The objects and purposes of the said department are, the care and custody of official archives, the collection of materials bearing upon the history of the state, and of the territory included therein from the earliest times, the completion and publication of the state's official records and other historical materials; the diffusion of knowledge in reference to the history and resources of the state; the encouragement of historical work and research; to encourage and assist in the establishment of public school libraries, and in the improvement and strengthening of those already in existence; to give advice and provide assistance to libraries and library workers in library administration, methods, and economy, and conduct a system of travelling libraries. It shall bring together and arrange for ready consultation a reference collection of materials for the use of members of the legislature, state officers, and others on all subjects which may, from time to time, be deemed of public interest and importance to the people of the state, and the performance of such other acts and requirements as may be enjoined by law.

Sec. 257. (1400) **Libraries report to department of archives and history.** All libraries, other than private libraries, in this state, including all free

public or subscription libraries, or libraries maintained by institutions, societies, colleges, institutes or schools, shall make both regular and special reports to the department of archives and history as may be called for, and in accordance with such regulations as may be prescribed by the department. [1915, p.745.]

Sec. 258. (1401) (795) **Board of trustees; how constituted.** Said department shall be under the control of a board of trustees, one from each congressional district. [1923, p.23.]

Sec. 259. (1402) (796) **Powers, duties and authority of board.** The said board shall fill all vacancies occurring therein, whether by expiration of term of service, or by death or resignation, but the names of all newly elected members shall be communicated to the next ensuing regular session of the state senate for confirmation and in case it shall reject any of the said newly elected trustees, it shall proceed forthwith to fill the vacancy or vacancies by an election. All trustees appointed to succeed the present members or their successors, whose terms shall have fully expired shall serve for a term of six years, and appointees to fill vacancies by death or resignation shall only serve out the unexpired terms of their predecessors. The board shall hold at the state capitol at least one regular meeting during every year, and as many special meetings as may be necessary, and at said meeting five members shall constitute a quorum. The governor of the state shall be a member of the said board, and he shall, as far as possible, lend every encouragement to the success and upbuilding thereof. The director shall be the secretary of the board. The trustees shall receive no compensation for their services other than the amount of their travelling expenses actually paid out while in attendance on the meetings of the board or on the business of the department. The board may adopt rules for its own government, and also for the government of the department, may elect a director, and may provide for the selection or appointment of other officials or employees, as may be authorized; may provide for the publication of historical material pertaining to the state under the supervision of the director; may have the direction and control of the marking of historical sites or houses, and the exploration of prehistoric and Indian mounds and other remains existing in the state; may control and expend such appropriations as may be made for the maintenance of the department, and may do and perform such other acts and things as may be necessary to carry out the true intent and purposes of this article.

Sec. 260. (1403) (797) **Director; election of.** The department shall be under the immediate management and control of a director, to be elected by the board of trustees, whose term of office shall be six years and until his successor is elected and qualified.

Sec. 261. (1404) (798) **Oath of director.** The director shall take an oath of office as other public officials, and shall be commissioned in like manner.

Sec. 262. (1405) (799) **Powers, functions and duties of director.** The powers, functions and duties of the director of the department of archives and history shall be as follows: To control and direct the work and operations of the department of archives and history. To administer the state official archives To prepare the Alabama official and statistical register. To diffuse knowledge in reference to the history and resources of the state. To administer all military records for historical purposes. To administer the state's historical library and to collect and administer historical portraits and museums. To serve as secretary of the capitol building commission and the Alabama memorial commission. To be a member of the Alabama pension commission. To collect, organize and preserve non-current county records for historical purposes To edit the Alabama historical quarterly and other historical publications. To distribute state official reports. To designate and describe historic spots in Alabama for monumental purposes. To perform all duties necessary in connection with the administration of the public library service division To have custody and supervision, under the direction of the director of finance, of the Alabama memorial building. To perform any and all other powers, functions and duties as may now or hereafter be placed upon the director of the department of archives and history [1939, p 582]

Sec. 263 (1406) (800) **Authority of officials.** Any state, county, or other official may, in his discretion, turn over to the department for permanent preservation therein any official books, records, documents, original papers, newspaper files, and printed books not in current use in their offices

Sec 264 (1407) (801) **Books, records or documents, or copies thereof.** When books or records have been surrendered in accordance with the foregoing section, copies therefrom shall be made and certified by the director upon the application of any person interested, which certificate shall have all the force and effect as if made by the officer originally in the custody of them, and for which the same fees shall be charged, to be collected in advance.

Sec 265. (1408) **Official publications supplied to departments .** In addition to the number of copies of any report or other official publication of any executive office, department, commission, bureau, board and state institution, now or which may hereafter be authorized by law, except the reports of the supreme court, court of appeals and the acts and journals of the legislature, the state printer or other person printing such report or document, shall print two hundred and fifty copies, additional, for the use of the department of archives and history, to be held for free distribution and exchange with state libraries, public libraries, institutions and individuals in Alabama and elsewhere [1915, p.738.]

Sec. 266. (1409) (802) **Statistical register.** An official and statistical register of the state of Alabama shall be compiled every two years by the director to contain :

1. Brief sketches of the several state officials, the members of congress from Alabama, the supreme court judges, the members of the senate and house of representatives of the state of Alabama

2. Rosters of all state and county officials

3. Lists of all state institutions, with officials.

4. State and county population, and election statistics.

5. Miscellaneous statistics; and said register shall be published in an edition of one thousand copies for free distribution, the printing and binding to be paid for as other printing and binding

Sec. 267. (1401) (803) Data in reference to Alabama soldiers. The department shall make special effort to collect data in reference to soldiers from Alabama in the war between the states, both from the war department at Washington and also from private individuals, and to cause the same to be prepared for publication as speedily as possible

Sec. 268. (1411) (804) Salary of director. The director shall receive an annual salary of thirty-six hundred dollars payable as the salaries of other state officers are paid, and a continuing appropriation for the said annual salary is made. [1939, p 582]

Sec 269 (1416) (810) Publication of state papers, official records, and of historical materials. The director of the department of archives and history, having compiled or caused to be compiled several volumes of important data and materials for the history of the state, including a full collection of the messages of the governors of Alabama, a collection of all the laws creating counties, altering county boundaries, or fixing or changing county seats, an Alabama local history collection, a series of narrative histories or historical sketches of Alabama commands in the war of secession, besides other important and valuable collections, as well as many valuable manuscripts, such director may contract for the printing and binding of the said volumes, or of any others of like character which he may cause to be compiled, and the state auditor is authorized and directed to pay for said printing and binding out of the public printing fund, on the certificate and order of the said director

Sec. 270 (1417) (809) Clerical assistants in department. There may be employed in the department of archives and history clerical assistants as follows: One curator, one chief clerk; one librarian; one stenographer and statistician, one file clerk; one stenographer and bookkeeper; and one servant, all of whom shall be subject to the merit system. [1923, p 789; 1933, Ex Sess , p 124; 1939, p.68.]

Sec. 271. Historical quarterly. One thousand copies of the Alabama historical quarterly shall be published each quarter The said quarterly shall be edited by the director of the department of archives and history and shall be supplied gratis to public officials, public and high school libraries, and upon call by any responsible person in the interest of propagating facts about the history of the state. [1939, p.953.]

(2) PUBLIC LIBRARY SERVICE DIVISION

(Code of Alabama 1940, Title 55, p.364-366, s 278-284)

Sec. 278. Public library service division. In order to aid in the development of higher ideals of citizenship and the enlargement of opportunity for culture and recreation, and in order to afford an additional means for the further upbuilding of the educational facilities of the state, there shall be a public library service division in the department of archives and history, which shall have as its chief objective the development of a cooperative system of providing books and library service for the various cities and counties of the state. [1939, p 297.]

Sec. 279 Executive board. The executive board of the division shall consist of five members, appointed by the governor, and the director of the department of archives and history shall serve as ex-officio member of the board. All appointed members shall be chosen by the governor of the State of Alabama. The terms of membership of the appointed members of the board as first appointed, for one member shall be for one year, for a second member shall be for two years, for a third member shall be for three years, for a fourth member shall be for four years, and for a fifth member shall be for five years. Thereafter appointments shall be for five years, and all vacancies including expired and unexpired terms shall be filled by the governor by appointment. Members of the executive board shall serve without compensation, but shall be allowed five dollars per day, plus transportation, while on official business, provided this time shall not exceed ten days per year for each member of the board. It shall be the duty and power of the executive board to conduct the affairs of the division, to administer the funds received from the treasurer that are allocated to the public library service division, and be responsible for the division's program and such other activities as would naturally be administered by an executive board. [Ib.]

Sec. 280. Duties and powers. The public library service division shall give advice to all free public, regional, city and county libraries and to all communities in the state which may propose to establish public libraries, in the manner hereinafter provided, as to the best means of establishing and administering such public library service; selecting and cataloging books and other details of library service, selecting and cataloging books and other details of library management; and may send any of its staff to aid in organizing such libraries, or to assist in the improvement of those already established, may advise as to the proper qualifications of librarians of free public, regional, city and county libraries, and shall perform such other services consistent with and in furtherance of the purpose of this article as shall from time to time appear feasible. Moreover, the division shall advise as to arrangements as provided in section 288 of this title, by which local governmental agencies may combine in the establishment of joint units of library service. The division may receive and shall administer all funds,

books or other property, from whatever source, under such conditions as may be deemed necessary in order to carry out the purpose of the article; and by the use of such means and methods as circumstances warrant the division may acquire and operate traveling libraries and circulate or loan such books and libraries among communities, libraries, library associations, social and civic clubs and organizations and other public agencies and institutions under such conditions and rules as the division deems necessary in order to protect the interests of the state and to increase the efficiency and promote the extension of public library service throughout the state. [Ib]

Sec 281 Officers. The members of the executive board shall elect from its membership a chairman and a vice-chairman. The board shall appoint a director who shall be a graduate of an accredited library school, shall have had a minimum of three years of library experience in an administrative capacity, and who is not a member of the executive board. Such other trained members of the staff of the division shall be appointed by the executive board on the nomination of the director of the division as well as such other assistants as will be deemed necessary in carrying out purposes of this article. The director shall keep a record of the proceedings of the division; shall keep accurate accounts of all financial transactions of the division, shall have charge of its work in organizing new libraries and improving those already established and in general perform such duties as may from time to time be assigned by the executive board. In addition to their salaries, the director and the assistants shall be allowed their actual expense while absent from the division office in the service of the division [Ib.]

Sec 282. Division to report. The division shall make an annual report to the department of archives and history and such other reports as the department or executive board may from time to time require. The annual report shall show public library conditions and progress in Alabama and a statement of the expenses and activities of the division. These annual reports shall be printed as other reports of the state departments and shall be distributed by the division [Ib.]

Sec 283 Library reports. The division shall each year obtain from all free public libraries in the State of Alabama reports showing the conditions, growth, development and conduct of said libraries. This provision shall not apply to the libraries of the supreme court of Alabama, the department of archives and history, or school libraries aided and supervised by the department of education, and the libraries of institutions of higher learning. [Ib.]

Sec. 284. Article not applicable to certain libraries. This article shall in no way affect the administration and supervision of public school libraries which have been or may hereafter be established by aid through the department of education, except by agreement, nor shall this article affect in any way the administration and supervision of public school libraries under the

control of any city or county board of education except by agreement; nor shall it except by agreement affect or apply to libraries of institutions of higher learning; nor free public libraries in counties where a city having a population of not less than sixty-five thousand already maintains a free public library. [*Ib.*]

B. SUPREME COURT LIBRARY

(Code of Alabama 1940, Title 13, p 501-503, s 74-84)

Sec. 74. (10307) (5971) (3845) (685) (581) (670) (575) **Marshal; appointment; term of office; duties.** A marshal of the supreme court must be appointed by the justices thereof, and shall discharge such duties and obey such directions, not inconsistent with the laws of the state and pertaining to his office, as may be required by the justices

Sec. 75 (10310) (3848) (688) (582) (671) **Marshal is librarian.** The library of the state, and the supreme court library are under the charge of the marshal, who shall be librarian of the state and supreme court library, and shall, in discharging the duties of his office, obey such rules and regulations as may be prescribed by the justices.

Sec 76 (10311) (5975) (3849) (689) (583) (672) **Justices make rules as to library.** The justices of the supreme court must make such rules as they deem necessary for the preservation and protection of the libraries.

Sec 77 (10312) (5976) (3850) (690) (584) (673) (576) **Entry of appointment; oath.** The appointment of the marshal must be entered on the minutes of the court, and before receiving any compensation, he must make oath before one of the justices, that he will faithfully discharge his duties as marshal and librarian, and that he will, to the best of his ability, preserve the libraries from loss and injury

Sec. 78 (10314) (5978) (3852) (692) (596) (675) (577) **Salary of the marshal and librarian.** The salary of the marshal and librarian of the state and supreme court library shall be fixed under the provisions of the merit system, and shall be payable out of the treasury as the salaries of other state officers are paid [1919, p 854, 1933, Ex. Sess , p.124, 1939, p 557.]

Sec 79 (10308) (5972) (3846) (686) **Assistant marshal and librarian.** The marshal and librarian is authorized to appoint an assistant, who may at any time be removed by him subject to the provisions of the merit system

Sec. 80. (10309) (5973) (3847) (687) **Salary of assistant marshal and librarian.** The salary of the assistant marshal and librarian shall be fixed under the provisions of the merit system, payable out of the treasury as the salaries of other state officers are paid, on the certificate of the marshal and librarian to the comptroller [1923, p.789; 1933, Ex Sess., p 124; 1939, p 68.]

Sec 81. (10315) (5979) (3853) (693) (587, 603) (691) (592) **Library fund.** The sum of five hundred dollars annually is appropriated for the

use and benefit of the library of the supreme court, to be drawn by the warrant of the comptroller, on the application of the chief justice, on the treasury, and expended under the direction of the justices. The money arising from the sales made by the secretary of state of the reports of the supreme court remaining in his office on the first day of March, 1881, must be paid to the librarian, and under the direction of the justices, applied to the use and benefit of the library. The surplus proceeds of the sale of such reports as have been or may be published under contract made by the governor, remaining after paying the expenses of binding and printing, must also be paid to the librarian, and be expended by him under the direction of the justices.

Sec. 82 (10316) (5980) (3854) (694) **Library tax.** For the maintenance of the supreme court library there shall be taxed in each civil case decided by the supreme court or court of appeals on appeal, the sum of five dollars, which must be taxed and collected as other costs in the cause, and when collected must be paid by the clerk to the marshal and librarian, by whom it must be disbursed on the order of the justices.

Sec. 83. (10317) (5981) (3855) **Books for attorney-general purchased from library fund.** The marshal and librarian may use, in the purchase of law books for the office of the attorney general, so much of the library fund as the justices may from time to time direct

Sec. 84 (10318) (5982) **Servant of supreme court; salary.** The chief justice of the supreme court may employ one servant to wait upon the supreme court and have the care of its court rooms, library and consultation rooms, whose salary shall be fixed under the provisions of the merit system, payable out of the treasury, on the certificate of the chief justice to the comptroller [1919, p.996]

C. STATE ART COMMISSION LIBRARY

(Code of Alabama 1940, Title 55, p 388, s 330)

Sec. 330 (81) **Duty and authority of commission.** The commission shall encourage the study of the fine and useful arts, and art teaching, shall make investigations and surveys, shall adopt standards, and do and perform such other things as will promote an interest in art in all of its relations. When called upon by state, county or municipal officials, or by the trustees or other officials or state or private institutions, or by individuals, it shall advise in determining plans, designs, and models for buildings, parks, statues, fountains and public monuments, or in the making of additions or alterations in existing buildings. It may maintain permanent or temporary exhibitions, and a library of art and allied subjects [1919, p.880]

D. COUNTY, MUNICIPAL LIBRARIES**(1) GENERAL PROVISIONS**

(Code of Alabama 1940, Title 55, p.366-368, s 285-289.)

Sec. 285. (1545) **Libraries established by counties.** The court of county commissioners, the board of revenue, or other governing bodies of the counties of this state, and municipalities, through their governing bodies, may establish and maintain or aid in establishing and maintaining free public libraries for the use of the citizens of the respective counties, or municipalities, either separately or in connection with public schools, and to that end may accept gifts, donations and bequests of land, buildings, or money therefor, and may make appropriations from the county or municipal treasury in support thereof in such sums as they may deem proper. [1920, p 146; 1939, p 350.]

Sec 286 (1546) **Library board.** The government and supervision of such libraries shall be vested in a library board consisting of five members who shall be appointed by the governing body of the county or municipality. The terms of membership on the library board as first appointed for one member shall be for one year, for the second member shall be for two years, for the third member shall be for three years; and for the remaining two members the terms shall be for four years, after the first term, all appointments shall be four years. The governing body shall fill all vacancies including expired and unexpired terms. Members of the library board shall serve without compensation [1919, p 1124; 1939, p 351]

Sec 287 (1547) **Powers and duties of library board.** The library board so created shall have full power and authority to control the expenditure of all funds received or appropriated for such libraries; to erect or rent buildings, to cost not in excess of the funds available to it, to purchase books and equipment, to provide a system of library service; to be made easily available to all citizens of the county or municipality through central library, branches, stations, book truck service, or other appropriate means, to elect a librarian and other employees, and otherwise to have full authority and power to manage and control the said library in order to carry out the full intent and purpose of this article, and a careful and complete record and set of books shall be kept by the library board, showing the proceedings of their several meetings and the receipts and disbursements in detail of all funds. In counties where a city having a population of not less than sixty-five thousand already maintains a free public library, a separate county library board need not be appointed, the county libraries and the appropriations authorized shall be administered by the governing board of such free public library on such terms as may be agreed upon between the above county authorities and the said governing board. [1939, 9. 351.]

Sec 288. (1548) **Consolidation and joint library service.** Any rural town or village school library, secured or provided under the preceding article may, on application of the district library board, to the county

library board, affiliate such library with the county library, or with the free public library administering the county library, in accordance with rules fixed by the county library board or the free public library board. In lieu of establishing or maintaining free public libraries exclusively for a single county or municipality in the manner hereinbefore provided, the library board of any county, or municipality, free public library may contract, in behalf of the political unit represented by such local library board, to and with the library board of other political unit, or governmental agency or instrumentality, with respect to the establishment or maintenance of joint library service upon such terms as may be agreed upon by the several contracting parties. Where there is no existing public library, the power thus to contract shall vest in the governing body of the county or municipality. Included in the power conferred is the determination of basis and personnel of representation of the local political units on the joint library board administering the joint library service established hereunder. Such board, when appointed, shall have the powers and duties hereinbefore granted to county or municipality library boards. County and municipal library boards or joint library boards shall have the power to cooperate with all state and federal agencies and institutions in furtherance of the purpose of this article, and all municipal, county and joint library boards shall from time to time submit such records and reports as may be required by the public library service division, provided, however, that nothing in this section shall be so construed as to infringe upon any municipal charter provisions governing the administration of existing free public libraries. [1919, p 1124, 1939, p 352]

Sec 289 (1549) Department of archives and history; duties as to. The department of archives and history shall encourage the establishment of such libraries, and shall afford free advice and counsel on organization, building, staff, book purchases, coordination and affiliation of school and other libraries, and on such other subjects as may arise in connection with the establishment and maintenance of such libraries, and such county libraries shall, on request, make such regular and special reports to the department as may be required. [1919, p 1124.]

(2) LIBRARIES IN CITIES OF 100,000 TO 200,000 POPULATION

(Code of Alabama 1940, Title 62, p 17, s.39)

Sec 39 Public libraries in cities. There shall be paid annually out of the general fund of the county to the board, commission, or other governing body, duly constituted by public law, of each public library situated in any incorporated town or city sums equal to seven cents (.07) per capita of the population of each such incorporated town or city in every such county, for the maintenance and the operation of such public library or libraries, such sums to be paid monthly in twelve equal installments on the first day of each calendar month. [1935, p 772]

(3) CITY BOARDS OF EDUCATION

(Code of Alabama 1940, Title 52, p.57, s.173.)

Sec. 173 Libraries and special schools established and maintained. The city board of education shall have the right to establish and maintain, or aid in establishing and maintaining public libraries, either separately or in connection with the public schools, and also special schools for backward, defective, truant or incorrigible children, day or night schools for adult illiterates and for the Americanization of foreigners, and part time continuation classes. [1927 School Code, s 215]

E. SCHOOL LIBRARIES

(Code of Alabama 1940, Title 52, p 144-145, s.376-380)

Sec 376 County may appropriate funds for school libraries. The commissioners' court, board of revenue or board of education in any county is hereby authorized to appropriate not less than ten dollars to any public school under the control of the county board of education and to any county high school for the purpose of establishing, maintaining, enlarging or improving public libraries in such schools [1927 School Code, s.391.]

Sec 377. Library books and equipment. The state superintendent of education with the advice of the director of the department of archives and history, shall compile and publish a carefully selected and annotated list of books from which the libraries herein provided shall be chosen, and they shall also adopt and publish rules and regulations for the choice of books, their use, preservation and circulation, the erection of book shelves or book cases, and the equipment of library rooms or buildings, and the training of librarians or custodians for the libraries. The selection shall be as nearly as possible representative of the whole field of literature, and maximum prices for purchase shall be indicated [1927 School Code, s 394]

Sec 378 Library board. The county superintendent of education and the trustees of the school to which a library has been granted shall constitute a library board charged with the administration of the library as other school property, and they are hereby charged with the same care and attention in connection therewith as of the school grounds, the school building or buildings, and the school equipment. [1927 School Code, s.395.]

Sec. 379 Duty of library board; librarian selected. They shall select the librarian or custodian, who shall be the teacher, if he or she will consent to act, and they shall see that the rules prescribed herein are carried out, but if the librarian is other than the teacher, such person shall be under the direction of the teacher as the representative of the library board. They shall provide a suitable bookcase, or bookcases, with lock and key, for the preservation of the library. They shall furnish to each teacher at the beginning of school an inventory of all the books in the library and shall require from each teacher at the close of school an in-

ventory of all books in the library. Arrangements for keeping the library open during the vacation may be made by the county board of education. [1927, School Code, s 396.]

Sec. 380. Circulating libraries. Any county board of education may in lieu of granting separate libraries for each school establish a system of circulating libraries, said libraries to be purchased under the same conditions and in keeping with the plan set out in the previous sections of this chapter by the county superintendent of education. Such circulating libraries shall be available for use in the public schools of the county under rules and regulations prescribed by the county board of education with the approval of the state board of education. [1927 School Code s.397.]

F. CIRCUIT COURT LIBRARIES

(Alabama Gen Acts, 1927, p 261-263, Nos 259, 263, *Ibid* 1936-1937, p 14, No.20.)

G. TAX EXEMPTION

(Alabama Code, 1940, Title 51, p 625, 641, s 2(e), 21)

H. PROTECTION OF LIBRARY PROPERTY

(Code of Alabama 1940, Title 14, p 62, s 84)

Sec. 84. (3478) Injuring public utilities. Any person who shall wilfully or maliciously remove, damage or destroy * * *

(13) Any work of literature or art or copy thereof, object of curiosity or scientific interest, statue, picture, or engraving, displayed, kept or erected in any public building, street, park, or other public place or in any collection, exhibition, museum, fair, gallery or library, or in any building devoted to educational, scientific charitable or religious purposes; * * * shall be guilty of a misdemeanor.

ARIZONA

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A. DEPARTMENT OF LIBRARY AND ARCHIVES

(1) GENERAL PROVISIONS

(Arizona Code 1939, v.1, p 326-331, s 2-501 to 2-513)

Sec 2-501 **Divisions**—There shall be a department of the legislative branch known as the Department of Library and Archives, which shall include:

- 1 The state legislative bureau,
- 2 The library division,
- 3 The division of Arizona history and archives [L. 1937, ch 32, s.1, p 84.]

Sec 502 **Legislative bureau**.—The state legislative bureau shall:

- 1 Maintain a legislative reference library, containing legal, statistical, and descriptive data and authoritative philosophical and scientific treatises on current and potential legislative subjects,

2. Collect, compile, systematize, and tabulate statistical information regarding the government of the state and its political subdivisions, and general conditions and welfare,

- 3 Conduct research on special legislative subjects, and prepare briefs summarizing the laws of other states and countries with respect to such subjects, the result of their administration, and the views, theories and proposals relating thereto of recognized authorities, political scientists, and students;

4. Procure information, at the request of members of the legislature or state officers on any legislative subject,

5. Prepare or revise bills and other legislative measures for members or committees of the legislature, and for state officers,

6. Prepare and issue styles and forms for drafting bills and other legisla-

tive measures, for the use of the legislature, state officers, and persons interested in the drafting of measures for introduction.

7. Compile and publish a legislative manual, yearbook, or official register containing information concerning the legislature, and the offices, departments, institutions and agencies of the state government;

8 Assist, under the direction of the secretary of state, in the preparation of acts of the legislature for publication, and in the preparation of initiative and referendum publicity pamphlets;

9 Publish slip laws of the acts of the legislature, promptly upon the passage and approval of such acts, and make the same available to interested persons, charging therefor a reasonable fee to compensate for the cost of printing; and for such purpose it shall be the duty of the secretary of state to provide the director of the legislative bureau with a certified copy of each bill or joint resolution, showing the chapter number of each thereof, as and when the same is filed in his office,

10. Render such other services of a legislative nature, or pertaining to the work of the legislature, as the legislature or any committee thereof may request [L 1937, ch 32, s 2, p 84]

Sec 2-503. **Library division.**—(a) The library division shall include.

1 A law library, for the special use of the Supreme Court, departments of the state government, and attorneys residing in the state;

2. A section on government, embracing works, treatises, and publications dealing with political science, economics, sociology, and all phases of the theory and practice of government;

3 An American history and biography section,

4 A mineralogy and geology section,

5 A genealogy section,

6 A documents section containing publications of the United States Congress, of the legislatures of the several states, and of departments of the federal and state governments,

7 A general reference section, and such other sections as the director may deem advisable

(b) The library division, except the law library, shall be for the use of the general public [L. 1937, ch.32, s.3, p 84]

Sec. 2-504 **Division of Arizona history and archives.** The division of Arizona history and archives shall contain:

1. All available works, books, newspaper files, pamphlets, papers, manuscripts, documents, magazines and newspaper articles, maps, pictures, items and material pertaining to or bearing upon the history of Arizona;

2 Copies of current official reports, public documents, and publications of state, county, and municipal officers, departments, boards, commissions, agencies, and institutions and public archives as defined in sec. 5, [s 2, 505] to permit compliance with this paragraph it shall be the duty of all public officers required by law to make written reports to

the governor, or to the governing officer or body of any county, city or town to provide the state library, for filing in the division of Arizona history and archives, with a copy of each such report, except such as are confidential. [L. 1937, ch 32, s.4, p.84.]

Sec 2-505 Depository of official archives.

- (a) The division of Arizona history and archives shall be the central depository of all official books, records, and documents not in current use, of the various state officers and departments of state, and of the counties and incorporated cities and towns thereof, which books, departments, records, and documents shall constitute the state archives, and shall be carefully kept and preserved, classified and catalogued, and made available under such rules as the director may prescribe, for inspection.
- (b) It shall be the duty of all state officers having official state or territorial archives in their possession to turn the same over to the director of the department of library and archives
- (c) Any county, municipal, or other public official may, in his discretion turn over to the division of Arizona history and archives, for permanent preservation therein, any official books, records, documents, and original papers not in current use in their offices, all such records and other files as may be authorized to be destroyed by the board of supervisors of the several counties and in no event shall any such official destroy or otherwise dispose of any obsolete or noncurrent records or archives. but shall, in case it is desired to dispose of any thereof, transmit the same to the department of library and archives, which shall have the authority and duty to preserve such as possess a historical value and destroy the remainder [L 1937, ch 32, s 5, p 84.]

Sec 2-506. Historical Records. The division of Arizona history and archives shall:

1. Collect from the files of old newspapers, court records, church records, private collections, and other sources, data bearing upon the history of the state;
2. Accept the loan or gift of rare volumes, manuscripts, maps or pictures, and other items of historical value;
3. Classify, edit, annotate, and publish from time to time such records as are deemed to be of public interest,
4. Encourage the proper marking of points of historical importance;
5. Systematically stimulate historical research, and encourage the study of Arizona history. [L 1937, ch 32, s 6, p.84.]

Sec 2-507. Administration. The department of library and archives shall be under the charge and control of the director, who shall also assume direct and immediate charge of the legislative bureau and of such other divisions of the department as he may see fit. The director shall be

a person technically trained in library work or having not less than five years actual experience as chief administrator of a major library. [L. 1937, ch.32, s.7, p.84]

Sec. 2-508. Powers and duties of director. The director shall have power, and it shall be his duty .

1 To appoint such librarians and assistants as may be necessary for the performance of the duties of the department, assign their duties, and fix their compensation within the limits of appropriations provided for the purpose ;

2. To establish rules and regulations for the use of books or other materials in the library, and for the removal of books from the library, including the assessment of reasonable fines and penalties for failure to return any such books when due ;

3 To sell or exchange undesired duplicate copies of books, or books not of value for the purposes of the library, and remit the proceeds to the state treasurer for the credit of the department of library and archives fund, to be used in the purchase of other books ;

4. To bring action for the recovery of any book, or for three times the value thereof, against any person having the same in his possession or responsible therefor, and who has failed or refused to return the same upon demand, and if any such book shall be one of a set, the value thereof may be deemed to be the value of the entire set ,

5 To certify copies from books, documents, or other archival records which have been placed in the custody of the division of Arizona history and archives as provided by section 5, for which the same fee shall be charged as the fees prescribed for the certification of records by the secretary of state, and any such certificate shall have the same force and effect as if made by the officer originally in charge of such record ,

6 To establish with the federal government, the other states, and foreign countries, a system of exchange of official state reports and publications, laws, statutes, legislative journals, and supreme court reports For such purpose the director of the department of library and archives shall make requisition upon the secretary of state, for such number of copies of official publications as he may need for the purposes of said exchange, and it shall be the duty of such officers to supply the same ,

7 To make a biennial report to the legislature on the condition of the library, its activities, and the disposition of moneys expended in its maintenance, and to transmit a copy thereof to the governor. [L. 1937, ch.32, s.8, p.84]

Sec. 2-509 Selection of director. Until otherwise provided by law, the present law and legislative reference librarian of the state library shall be director of the department of library and archives [L. 1937, ch.32, s.9, p.84]

Sec 2-510. Salary of director. The director of the department of library

and archives shall receive five thousand dollars [\$5,000] per annum. [L. 1937, ch.32, s.10, p.84.]

Sec. 2-511. Vacancy in office of director. In the event that a vacancy occurs in the office of director of the state library while the legislature is not in session, or, in session and fails to act, such vacancy shall be filled by appointment by the board of curators, subject to confirmation by the senate. [L. 1937, ch 32, s 11, p.84]

Sec. 2-512. Board of curators of state library. The board of curators of the state library shall consist of three [3] members, to be appointed by the governor, for terms of six [6] years each. Until the expiration of their present terms, the present members of the board of curators shall constitute such board [L. 1937, ch 32, s 12, p 84]

Sec. 2-513 Arizona historian; transfer of duties and effects.

- (a) The duties and powers imposed and vested in the Arizona historian by law shall devolve and be imposed upon, vested in, and merged with the duties and powers of the division of Arizona history and archives of the department of library and archives
- (b) All papers, manuscripts, maps, books, pictures and effects belonging or pertaining to the office of Arizona historian shall be transferred to and become the property of the division of Arizona history and archives of the department of library and archives [L. 1939, ch 83, s 2, p 261]

(2) LEGISLATIVE PRINTING

(Arizona Code 1939, v 1, p 321, s 2-107 to 2-109.)

Sec. 2-107 Legislative printing; bids. On or prior to the first Monday in January of each odd-numbered year the state librarian shall call for sealed bids for all legislative printing, including the journals, bills, rules, committee report blanks, roll calls, letter heads and envelopes, and such other printing as may be necessary for the conduct of a legislative session. Notice calling for the submitting of such bids shall be made by posting a notice thereof at the door of the state capitol, which said notice shall set forth the various items, including specifications. The state librarian shall keep and have on file in his office copies and samples of all such journals, bills, rules, committee reports, etc., for the uses and benefit of all prospective bidders. Bids submitted may be for any or all items called for. All bids as aforesaid shall be received by the librarian up to twelve o'clock, noon, of the second Monday in January of each odd-numbered year and shall be plainly marked as of the date and hour received [Laws 1929, ch.81, s 1, p 231]

Sec. 2-108 Delivery of bid. Upon the organization of the legislature the state librarian shall deliver, unopened, to the chairman of the committee on printing and clerks of the house of representatives all bids received. [Laws 1929, ch 81, s.2, p.231]

Sec 2-109 Awarding of contract. Within forty-eight [48] hours after the organization of the legislature is perfected it shall become the duty of the committee on printing and clerks of either branch of the legislature to meet in joint session, at which time the bids hereinbefore referred to shall be opened and contracts awarded to the lowest responsible bidder, under such conditions and requirements as may be exacted by the said joint committee of the state senate and the house of representatives. [Laws 1929, ch.81, s 3, p 231]

B. DISTRIBUTION OF PUBLIC DOCUMENTS

(Arizona Code 1939, v 1, p 337, s 4-202, *Ibid* v 2, p 5, s 19-209)

Sec 4-202. Distribution of statutes and journals. Immediately after the publication of the statutes, he [the secretary of state] shall supply one [1] copy thereof to each official of the executive department of the state, each commissioner and each department of the state government, and the state highway engineer; to each judge and the clerk of the Supreme Court, each judge of the superior court, and each justice of the peace, the copies for the said justices of the peace to be distributed by the county recorders of the several counties, to each county officer other than members and clerk of the board of supervisors, and to the board of supervisors, to each member of the legislature, the secretary of the senate and the chief clerk of the house of representatives, to the general library, the law library, and each professor of law in the university of Arizona, to each state teachers' college, to each judge and the clerk of the United States District Court for the district of Arizona, and to the United States attorney and United States marshal for such district; to each senator and representative in congress from the State of Arizona; and to each public library in the state which shall apply therefor. He shall supply to the state librarian, for the purpose of exchange with other states, territories, the United States, and foreign countries, such number of copies as the said librarian may, in accordance with the provisions of sec 3036, make requisition for, and to the law library of the University of Arizona, for the purpose of exchange with law school libraries of other states and territories, such number of copies, not to exceed fifty [50], as the librarian thereof may request. The clerk of the board of supervisors of each county shall, within one [1] month after the adjournment of the legislature, supply the secretary of state with the names and addresses of all officers in such county entitled by law to receive a copy of such statutes. The secretary of state shall also deliver a copy of the journals of the legislature to any of the officers herein specified, applying therefor, and to the state librarian such number of copies as he may require for this purpose of exchange, as provided by sec 3036 [L '31, c 60, s.1, p 138]

Sec. 19-209. Distribution of reports; payment. The secretary of state shall deliver to the state librarian as many copies of the Supreme Court reports as may be necessary for exchange with the libraries of other states

and foreign countries; to the law librarian of the University of Arizona, when applied for, as many copies as may be necessary not to exceed fifty [50], for exchange with the law school libraries of other states and territories; and to each of the judges of the supreme court, to the judges of the United States court in this state, to each judge and to each clerk of a court of record in this state, to the reporter of decisions of the Supreme Court, and to the law library of each county of this state, one [1] copy, and to the law library of the University of Arizona three [3] copies. The copies of such reports delivered to any person on account of the office held by such person shall remain the property of the state and shall have stamped or written thereon the name of the office on account of which the report was delivered, and shall be kept for the use of such office. The cost of publishing such reports shall be paid out of the appropriation for the Supreme Court [I. '31, c 59, s 1, p 131]

C. COUNTY LIBRARIES

(Arizona Code 1939, v 1, p 795-800, s 17-1501 to 17-1513)

Sec 17-1501. **Power to establish.** The boards of supervisors of the several counties in this state shall have power to establish and maintain, within their respective counties, county free libraries in the manner and with the functions prescribed in this act [Laws 1929, ch 39, s 1, p.94.]

Sec 17-1502 **Areas to be served; notice.** The board of supervisors of any county may establish at the county seat a county free library for that part of such county lying outside of incorporated cities and towns maintaining free public libraries, and for all such cities and towns within such county as may elect to become a part of, or to participate in, such county free library system, as hereinafter provided in this act At least once each week for three [3] successive weeks prior to taking action, for the establishment of such county free library, the board of supervisors shall publish in such county notice of such contemplated action, giving therein the date and time of the meeting at which such action is proposed to be taken [Laws 1929, ch 39, s 2, p 94]

Sec 17-1503. **City or town as part of system.** After the establishment of a free county library as provided in this act, the common council or other legislative body of any incorporated city or town in the county maintaining a free public library, may notify the board of supervisors that such city or town desires to become a part of the county free library system, and thereafter such city or town shall be a part thereof and its inhabitants shall be entitled to the benefits of such county free library, and the property within such city or town shall be liable to taxes levied for county free library purposes But the common council, or other legislative body of any incorporated city or town in the county, may at any time notify the board of supervisors that such city or town no longer desires to be a part of the county free library system, and thereafter such city or town shall cease to participate in the benefits of such county free library, and the

property situated in such city or town shall not be liable to taxes for county free library purposes; Provided, that the common council, or other legislative body of any incorporated town or city, shall publish once each week for three successive weeks, prior either to giving or to withdrawing such notice, in a newspaper designated by said common council or other legislative body, and circulating throughout said city or town, notice of such contemplated action, giving therein the date, place, and time of the meeting at which such contemplated action is proposed to be taken [Laws 1929, ch.39, s 3, p 94.]

Sec 17-1504 City or town library assuming function of county free library. Instead of establishing a separate county free library, the board of supervisors may enter into a contract according to the provisions of this section with the board of library trustees or other authority in charge of the free public library of any incorporated city or town, and the board of library trustees, or other authority in charge of such free public library, is hereby authorized to make such a contract. Such contract may provide that the free public library of such incorporated city or town shall assume the functions of a county free library within the county with which such contract is made, including incorporated cities and towns therein. The board of supervisors may agree to pay annually into the library fund of such incorporated city or town such sum as may be agreed upon. Either party to such contract may terminate the same by giving six months' notice of intention to do so [Laws 1929, ch 39, s.4, p 94]

Sec 17-1505 Contract to use library of another county. The board of supervisors of any county wherein a county free library has been established under the provisions of this act, shall have full power and authority to enter into contracts or agreements with the board of supervisors of any other county to secure to the residents of such other county such privileges of such county free library as may by such contract be agreed upon, and upon such consideration as may in said contract be agreed upon, the same to be paid into the county free library fund, and thereupon the inhabitants of such other county shall have such privileges of such county free library as may by such contract be agreed upon, and the board of supervisors of such county shall have full power and authority to enter into a contract with the board of supervisors of another county wherein a county free library has been established under the provisions of this act, as in this section provided, and shall have power to levy a library tax, as in this act provided, for the purpose of carrying out such contract, but the making of such contract shall not bar the board of supervisors of such county during the continuance of such contract from establishing a county free library therein under the provisions of this act, none being already established therein, and upon the establishment of such county free library such contract may be terminated upon such terms as may be agreed upon

by the parties thereto, or may continue for the term thereof. [Laws 1929, ch.39, s.5, p.94]

Sec 17-1506. State board of library examiners. A commission is hereby created to be known as the board of library examiners, consisting of the state librarian, who shall be ex officio chairman of said board, the librarian of the State University and the librarian of the Phoenix Public Library. The members of said board, shall receive no compensation for their services, except actual and necessary travelling expenses, to be paid out of the general fund. Said board shall pass upon the qualifications of all persons desiring to become county librarians, and may, in writing, adopt such rules and regulations not inconsistent with law for its own government, and for carrying out the purposes of this act. [Laws 1929, ch.39, s.6, p.94.]

Sec 17-1507 County librarian. Upon the establishment of a county free library, the board of supervisors shall appoint a county librarian, who shall hold office for a term of four years, subject to prior removal for cause, after a hearing, by said board. No person shall be eligible to the office of county librarian unless prior to his appointment he has received from the board of library examiners a certificate of qualifications for the office. [Laws 1929, ch 39, s 7, p 94]

Sec 17-1508 Supervision over library; rules and regulations; branches and stations; employees and apprentices. The county free library shall be under the general supervision of the board of supervisors, which shall have power to make general rules and regulations regarding the policy of the county free library, to establish upon the recommendation of the county librarian branches and stations throughout the county and may locate said branches and stations in incorporated or unincorporated cities and towns wherever deemed advisable, to determine the number and kind of employees of such library, and to appoint and dismiss such employees upon the recommendation of the county librarian. Such employees shall not be removed except for cause, and in any case any such removal be made upon the ground that the services of such employee are no longer required, such removed employee shall have the first right to be restored to such employment when such services are again required, but the board of supervisors may at the time of employing any employee, and upon the recommendation of the county librarian, enter into an agreement that such employee be employed for a definite time only. All employees of the county free library whose duties require special training in library work shall be graded in grades to be established by the county librarian, with the advice and approval of the board of library examiners, according to the duties required of them, experience in library work and other qualifications for the service required, and before appointment to a position in graded service, the candidate must pass an examination appropriate to the position sought, satisfactory to the county librarian, and show a satisfactory experience in library work. Work in approved library schools or

libraries, or certificates issued by the board of library examiners, may be accepted by the county librarian in lieu of such examination. The county librarian may also accept as apprentices, without compensation, candidates possessing personal qualifications satisfactory to him and may dismiss the same at any time if in his judgment their work is not satisfactory to him [Laws 1929, ch.39, s 8, p 94.]

Sec 17-1509 Oath and bond of county librarian; duties; salary and expenses. The county librarian shall, prior to entering upon the duties of his office, file with the county recorder the usual oath of office and a bond, conditioned upon the faithful performance of his duties, with sufficient sureties approved by a judge of the Superior Court in the county of which the librarian is to be the county librarian, and in such sum as may be determined by the board of supervisors. The county librarian shall, subject to the general rules adopted by the board of supervisors, build up and manage, according to accepted principles of library management, the library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased. The minimum salary per annum of the county librarian shall be as follows: in counties having an assessed valuation of one hundred million dollars [\$100,000,000] or more, twenty-four hundred dollars [\$2,400] per year, in counties having an assessed valuation of more than fifty million dollars [\$50,000,000] and less than one hundred million dollars [\$100,000,000], two thousand dollars [\$2,000] per year, in counties having an assessed valuation of twenty-five million dollars [\$25,000,000] and less than fifty million dollars [\$50,000,000], eighteen hundred dollars [\$1,800] per year, and in all other counties in the state an annual salary of not less than fifteen hundred dollars [\$1,500]. The salary of each of the county librarians here provided shall be paid by each of such counties at the regular semi-monthly periods, in the same manner and from the same fund as other county officers are paid. The county librarian and his assistant shall be allowed actual and necessary travelling expenses incurred on the business of the library [Laws 1929, ch 39, s 9, p 94]

Sec. 17-1510 Supervision of state librarian; annual convention. The county free libraries of the state shall be under the general supervision of the state librarian who shall from time to time, either personally or by one [1] of his assistants, visit the county free libraries and inquire into their condition. The actual and necessary expenses of such visits shall be paid out of the state library fund. The state librarian shall annually call a convention of county librarians, to assemble at such time and place as he shall deem most convenient for the discussion of questions pertaining to the supervision and administration of the county free libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of the county free libraries as shall properly be brought before it. It is hereby made the duty of all the county librarians to attend and take part

in the proceedings of such convention. [Laws 1929, ch.39, s 10, p.94.]

Sec. 17-1511. Annual reports of county librarians. The county librarians shall, on or before the 31st day of July of each year, report to the board of supervisors and to the state librarian on the condition of the county free library, for the year ending June 30th preceding. Such reports shall, in addition to other matters deemed expedient by the county librarian, contain such statistical and other information as may be deemed desirable by the state librarian. For this purpose the state librarian may send to the several county librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state [Laws 1929, ch.39, s 11, p 94]

Sec 17-1512 Tax levies; bonds; county free library fund; claims against fund. The board of supervisors, after a county free library has been established, shall annually levy in the same manner and at the same time as other county taxes are levied, and in addition to all other taxes a mill tax sufficient to insure the payment of salaries, maintenance and upkeep and other necessary expenses of such county free library system, such tax to be levied and collected upon all property in such county outside of incorporated cities and towns maintaining free public libraries, and upon all property within incorporated cities and towns which have elected to become a part of such county free library system as provided in this act, for the purpose of purchasing periodicals, books, records and other supplies and the purchasing of property for establishing and maintaining the county free library. County bonds may be issued, in the manner now provided by law for the issuance of other county bonds, for the creation and equipment of county free library buildings and the purchase of land therefor. The board of supervisors is authorized to receive, on behalf of the county, any gift, bequest or devise for the county free library, or for any branch or subdivision thereof. The title to all property belonging to the county free library shall be vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the tax herein provided. All funds of the county free library, whether derived from taxation or otherwise, shall be in the custody of the county treasurer. They shall constitute a separate fund, called the county free library fund, and shall not be used for any purpose except those of the county free library. Each claim against the county free library fund shall be authorized and approved by the county librarian or in his absence from the county by his assistant. It shall then be acted upon in the same manner as are all other claims against the county. [Laws 1929, ch.39, s 12, p 94]

Sec 17-1513 Disestablishment of county free library. After a county free library has been established, it may be disestablished in the same manner as it was established. At least once each week for three [3] consecutive weeks prior to taking such action, the board of supervisors shall publish, in a newspaper designated by them and published in the county, notice of

such contemplated action, giving therein the date and time of the meeting at which such contemplated action is proposed to be taken. [Laws 1929, ch.39, s.13, p.94.]

D. MUNICIPAL LIBRARIES

(Arizona Code, 1939, v 1, p 590-591, s 16-1202 to 16-1209, *Ibid*, 1941 Suppl., p 189, s 16-1201)

Sec. 16-1201. Levy of tax for library. Cities and towns may levy annually, in addition to other taxes, a tax on the assessed value of all property in the city or town, for the purposes of establishing and maintaining free public libraries and reading rooms, and of purchasing such books, journals, and other publications, and erecting and maintaining such buildings, as may be necessary therefor. The tax shall not exceed: (1) one-half mill in a city or town having a population of ten thousand [10,000] or more, nor, (2) one [1] mill in a city or town having a population of less than ten thousand [10,000] [L 1941, ch.41, s 1, p.78.]

Sec. 16-1202. Gifts for the library may be received. Cities or towns may receive, hold or dispose of all gifts that may be made to them for library purposes, and the city or town may apply the same in such manner as will best promote the uses of such library, subject to the terms of the gift [Rev., R C 1928, s 445.]

Sec 16-1203 Library fund. All money received for library purposes, whether by taxation or otherwise, shall belong to and be designated as the library fund, and shall be paid into the city treasury, and kept separate and apart from other funds, and be drawn therefrom as herein provided; but only for the purposes herein authorized. [Rev , R C 1928, s 446.]

Sec 16-1204 Trustees; terms; compensation. The legislative body of the city or town may appoint nine (9) persons who shall be residents of the city or town as trustees of such library; provided, that in cities of less than three thousand (3,000) inhabitants, there may be six (6) trustees. Said trustees shall hold office for three (3) years from the first day of July in the year of their appointment, unless sooner removed for good cause; but upon their first appointment they shall divide themselves, at their first meeting, by lot into three (3) classes, one-third for one (1) year, one-third for two (2) years, and one-third for three (3) years. The office shall be honorary and without compensation. [Cons and Rev , R. C. 1928, s.447.]

Sec. 16-1205 Duties of trustees; secretary. The trustees shall have charge of the library and of all property thereto belonging; they shall meet for business purposes on the first Tuesday of each month, and at such other times as they shall appoint, at a place to be provided for the purpose. They may elect from among themselves a president and secretary of the board; may elect a librarian, who shall be a resident of the city, and may adopt an official seal. The secretary shall keep a full statement and account of all property, receipts and expenditures, and a record and minutes of their proceedings. [Rev , R. C 1928, s.448.]

Sec. 16-1206. Powers of trustees. Such trustees, by a majority vote of all their members, to be recorded in the minutes with the ayes and nays at length, shall have the power: To make and enforce all rules, regulations and by-laws necessary for administration and government of such library and all property belonging thereto; to exercise and administer any trust declared or created for such library or reading room; to define the powers and prescribe the duties of all officers and elect and remove at will all officers and assistants; to purchase necessary books, journals, publications and other personal property; to order the drawing and payment, upon properly authenticated vouchers, certified by the president and secretary, of money out of the library fund for any liability herein authorized; to fix the salary of the librarian, and, by and with the consent and approval of the legislative body of the city, purchase such real property and erect and equip such buildings as may be necessary for such library and reading room. [Rev., R. C. 1928, s 449]

Sec 16-1207 Claims; how audited and paid. The warrant of the trustees of such library or reading room, when made and authenticated as above provided, shall be verified and audited by the auditing officer, and paid by the treasurer of such city out of the library fund belonging thereto. [Rev , R C. 1928, s.450.]

Sec. 16-1208. Annual report. The trustees, on or before the first Monday of July of each year, shall make a report to the municipal authorities containing a full statement of all property and money received, whence derived, how used and expended; the number of books, journals and other publications on hand; the number added by gift, purchase or otherwise during the year, the number lost or missing; the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest. A financial report, showing all receipts and disbursements of money, shall also be made by the secretary of the board of trustees, verified by his oath. [Rev , R C 1928, s 451]

Sec 16-1209 Powers of city over library. Any city or town wherein a public library may be established, may pass ordinances for the protection of the same and all property thereto belonging, and imposing penalties for the punishment of persons committing injury to such library or the property or books thereof, or for failure to return any book or other property belonging thereto, and may grant, donate or authorize the use of any lands, belonging to such city or town, or dedicate to public use therein, for the purpose of erecting and maintaining a building to be used only for a public library and reading room. [Rev , R. C. 1928, s 452.]

E. SCHOOL LIBRARIES

(Arizona Code 1939, v 4, p 465, 515, s 54-416, 54-1112)

Sec. 54-416. Board of trustees, powers and duties. The powers and duties of the board of trustees of school districts are as follows: * * *

(3) The board shall manage and control the school property within their districts; purchase school furniture, apparatus, equipment, library books, and supplies for the use of the schools * * *

(4) The board shall * * * appoint district librarians and enforce the rules prescribed for the government of school libraries, and exclude from schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character [Laws 1933, ch 18, s.1, p.30.]

* * * * *

Sec. 54-1112 District libraries—Use of school money for library purposes. The board of trustees of any school district may establish and maintain a district library, which shall be located in the school house. Such library, shall be under the control of the board, which shall be accountable for its care, but may be placed under the direct charge of a teacher or other qualified person. When requested the board shall report on the library to the county superintendent on blanks to be supplied by the superintendent of public instruction. Any such district library shall be free to all pupils of suitable age belonging to the school, and resident of the district may become entitled to its privileges by the payment of fees and compliance with regulations prescribed by the board. The board of school trustees of any school district or city board of education may enter into a contract or agreement with the proper authorities of any county free library or other public library possessing facilities for rendering the desired service, for the procurement of reference or other library books or the extension service of such library, provided the amount so expended shall not exceed three (3) percent of the total school district budget for the school year during which such services were utilized. [L 1935, ch 36, s 1, p 141]

F. COUNTY LAW LIBRARIES

(Arizona Code 1939, v 2, p 658, s 34-129)

Sec 34-129 Law library fund. There shall be set apart twenty-five [25] per cent of all fees collected by the clerk of the superior court in each county, and such additional percentage of such receipts as the board of supervisors shall authorize, to be kept in a fund to be known as the county library fund. Said fund shall be used for the purchase of books for a county law library, under the direction of the judge of the superior court, and the monies therein shall be paid out only upon the order of the judge directed to the county treasurer [Laws 1931, ch 13, s 1, p 22]

G. PROTECTION OF LIBRARY PROPERTY

(Arizona Code 1939, v 3, p 373, s 43-5815, 43-5816)

Sec 43-5815. Destroying objects in library or exhibition. Every person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus or other work of literature or art, or mechanics, or objects of curiosity, deposited in

any public library, gallery, museum, collection, fair, or exhibition, shall be guilty of a misdemeanor [R S 1928, s.4846.]

Sec 43-5816. **Failing to return book to public library.** Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading room, museum or other educational institution, for thirty [30] days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution such articles or other property may be kept, shall be guilty of a misdemeanor [R.C 1928, s.4847]

H. TAX EXEMPTION

(Arizona Code 1939, v 2, p 415, s 24-601(12) , *Ibid* v.5, p 580, s 73-201(2))

ARKANSAS

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A. STATE LIBRARY

(1) GENERAL PROVISIONS

(Arkansas Dig of Stats, 1937, v 1, p 1504-1505, § 5463-5473)

Sec. 5463. **State library.** The Secretary of State shall be librarian for the State library, and shall have custody and direction of all books, papers, maps, charts and all other things belonging to the same, and he shall take special care that none of them be lost or injured [Rev Stat, chap 144. s 1]

Sec 5464. **Binding of books.** He shall cause to be bound, if not already done, in a cheap and substantial manner, three copies of each of the following works, The acts of each session of Congress, the acts of the General Assembly of this State, and the acts of every other State of the United States, and State papers and documents of the United States [Id s 2.]

Sec. 5465 **Books kept in convenient room.** The librarian shall cause all such books now owned by the State, and such as hereafter may be acquired by it, to be thus prepared, arranged and kept in a convenient room in the statehouse [Id s.3.]

Sec. 5466. **Duty to procure missing books.** Where there shall be a deficiency in any of the acts, journals, or other works, it shall be the duty of the librarian to correspond with the proper officer, for the purpose of procuring copies of the different works, and, if not otherwise procured, he shall purchase them and place them in the library. [Id. s.4.]

Sec 5467 **Purchase of books.** It shall be the duty of the librarian, under the direction of the Governor, to purchase all such books, maps and charts as may from time to time be directed to be purchased by the General Assembly. [Id. s.5]

Sec. 5468. How expenses paid. All expenses of procuring such copies of acts, journals and other works as are mentioned in this act shall be paid out of the contingent fund of the General Assembly. [Id. s.6]

Sec. 5469. Accounts to be adjusted. The Auditor of State shall adjust the accounts of the librarian and draw warrants for the payment of the same. [Id. s 7]

Sec. 5470 Removal of books. No person shall be permitted to remove any book from the library, except the Governor, the Auditor and Treasurer, the members of the General Assembly, judges of the Supreme and Circuit courts, and the attorneys for the State. [Id. s 8]

Sec. 5471. Receipts for books. No person shall be permitted to remove any book from the library without giving a receipt therefor to the librarian. [Id s.9]

Sec. 5472 Injury to or failure to return books; penalty. If any person injure or fail to return any book, map or chart, taken from the library for more than three months, he shall forfeit and pay to the librarian, for the use and benefit of the library, three times the value thereof, or of the set to which it belongs, to be recovered in the name of the State for the use of the library [Id s 10]

Sec 5473 Privilege of using books. The officers of the several departments of the State, who are entitled to the use of the library, may introduce citizens or strangers into the library, who shall have the privilege, during all seasonable hours, to read any of the books therein [Id. s.11]

(2) LIBRARY CLERK

(Arkansas Laws, 1921, p 511, ch 495, s 14)

Sec. 14. Library clerk; salary. The Secretary of State may employ * * * one library clerk at eighteen hundred dollars [\$1,800] * * *

B. SUPREME COURT LIBRARY

(1) GENERAL PROVISIONS

(Arkansas Dig of Stats , 1937, v 2, p 3273, 3274, s 13310-13318)

Sec 13310. Clerk to have charge; bond. The Clerk of the Supreme Court, for the time being, shall be the librarian, whose compensation shall be such as said court shall from time to time prescribe, payable out of any money in his hands for the use of the library, and whose duty it shall be to take charge of and expend, under the direction of the Supreme Court, all moneys appropriated or collected for the increase of said library and paying the expenses thereof He shall, before entering upon the duties of his office, give bond to the State, with security to be approved by said Supreme Court, for the faithful discharge of his duties as librarian, in the penalty of five thousand dollars, which bond shall be filed with the Secretary of State. [1851, s.3, p.89]

Sec. 13311. Clerk to appoint librarian. The Clerk of the Supreme Court

is authorized to employ some suitable person as librarian, who shall have charge of the library of the Supreme Court, arrange and care for the books and other property in and belonging to said library, and he shall be under the direction of the said Clerk and subject to his orders as regards his duties as such librarian. [1905, s.1, p 218]

Sec 13312 Reports of other states. Reports of the decisions of the courts of other States and of the United States, deposited in the office of the Secretary of State, shall be transferred to and constitute a part of the Supreme Court Library [1853, s.3, p 161.]

Sec 13313 Statutes transferred when. Whenever there shall be two or more copies of any statute of the United States, or of any State, in the State library, the Secretary of State shall, upon demand, deliver one copy thereof to the Clerk of the Supreme Court, to be deposited in the Supreme Court Library [1851, s 4, p.89.]

Sec. 13314 Clerk to receive donations. The librarian shall have authority to accept any donation of books, money or property to increase said library, and he shall be responsible on his bond for the faithful disposition of any such donation [Id s.6]

Sec 13315 Library tax on enrollment of attorneys Every person who shall be enrolled as an attorney in said Supreme Court shall pay a tax of ten dollars to the use of said library fund [Id s 8]

Sec 13316 Library fee. Every attorney before he shall be permitted to have access to or the use of said library shall pay quarterly in advance to the said clerk the sum of one and one-quarter dollars to the use of said library fund [1891, p 56]

Sec 13317 Library property of state. All books obtained and placed in said library shall be the absolute property of the State, subject to the control and management of said Supreme Court, except the reports of the Supreme Court of this State directed to be placed therein, which may be exchanged by said library for the reports of the other States of the Union, or of the United States courts, or other law books, under the direction of the Supreme Court, reserving for the use of said Supreme Court three copies of such reports [1851, s 9, p 89]

Sec 13318 Unlawful to remove books. It shall not be lawful for the Judges of the Supreme Court, or any other person, to remove from said library and consultation room any of the books to be deposited therein, except for use in the Supreme Court room [Id s.10]

(2) LIBRARIAN AND ASSISTANT

(Ark Laws, 1921, p 511, ch 495, s.16)

Sec. 16. The Supreme Court may employ one librarian at twenty-four hundred [\$2,400], one assistant librarian at eighteen hundred dollars [\$1,800] * * *

C. LIBRARY COMMISSION

(1) GENERAL PROVISIONS

(Arkansas Dig of Stats, 1937, v 2, p 3065-3066, s 12290-12298)

Sec. 12290 Created. There is hereby created a State Library Commission, to be composed of five members, to be known as the Arkansas Library Commission [1935, Act.139, s 1]

Sec 12291 Who constitutes board. The members shall be appointed by the Governor, for reasons of their interest in libraries or for special library services, as follows: One of the Governor's own selection and one each from lists furnished by the State Commissioner of Education, by the Arkansas Federation of Women's Clubs, by the Arkansas Congress of Parents and Teachers and by the American Legion Auxiliary, Department of Arkansas. Each member shall hold office for the term of five [5] years, and until his successor is appointed and qualified, except that at the first organization meeting of the Commission they shall draw lots for a one, two, three, four, and five year term respectively. No member shall serve more than ten [10] years. Vacancies shall be filled in the manner required for the original appointments. Members shall serve without compensation, but may be allowed actual expenses in attending meetings of the Commission, or in doing work assigned to them by the commission [Id s 2]

Sec 12292 Where commission shall meet. The commission shall be furnished permanent headquarters in the State Capitol, where its regular meetings shall be held and its record shall be kept. It shall adopt rules governing its meetings and conduct of its business. A majority of its members shall constitute a quorum [Id s 3]

Sec. 12293. Selection of chairman. The commission shall annually select one of its members as chairman, to serve for the ensuing year and until his successor is selected [Id s 4]

Sec 12294 Employing of librarian. The commission shall employ a suitable person, who is not a member, as librarian and executive secretary, to serve for such time and on such terms as the commission may prescribe. He shall be paid according to the standards of the library profession. He shall be an experienced librarian, who has had at least one year's training in an accredited library school in addition to appropriate experience. [Id. s 5]

Sec 12295 Duties of librarian and executive secretary. The librarian and executive secretary shall keep the records and accounts of the commission, have charge of its work in improving established libraries and in organizing new ones, supervise the circulation of books, and perform such other duties as the commission may assign to him [Id s 6]

Sec 12296 Powers and duties of commission. The commission shall, when requested, give advice through the librarian and executive secretary, to school and other public libraries, and to communities proposing to estab-

lish such libraries, as to proper methods of organizing and conducting them, including the selection and cataloging of books, and other details of library management, and may send any of its members or assistants to such libraries or communities to aid them in such matters. It may purchase books and operate a book service among communities, libraries, schools, colleges, universities, study-clubs and charitable and penal institutions, and it may make indefinite loans of books to encourage the establishment of county libraries. It may conduct courses or schools of library instruction and hold library institutes in various parts of the State. It may cooperate with the State Board of Education in devising plans for the care of school libraries, in aiding teachers in their administration, and in formulating rules and regulations for their use, such rules and regulations to be promulgated through the State Commissioner of Education, and it may receive gifts of books, money or property to be held in trust, subject to the terms of donation for the purpose of this act. It may administer State aid to Libraries. [Id s 7]

Sec 12297 **Commissioner to receive reports from all libraries.** The commission shall obtain reports from all libraries in the State each year, showing the condition, development, growth and manner of conducting such libraries, and such other facts and statistics as may be of public interest, and shall embody an epitome of such matters in its biennial report to the Governor. [Id. s 8.]

Sec 12298 **Commission to receive books, papers, and equipment.** The Commission may receive and solicit books, periodicals, papers, and equipment for use in libraries and receive gifts, donations and bequests from the public and the Secretary shall keep correct records thereof, and use said moneys in defraying expenses of the commission. All books and property purchased by or donated to the Free Library Service Bureau are hereby transferred to the Commission. [Id s 9]

C. LIBRARY COMMISSION

(2) STATE AID APPROPRIATION

(Arkansas Acts 1939, p 569-570, Act 234, s 1)

Sec 1 There is hereby appropriated, to be payable from the Sales Tax Collections going to the Common School Fund, for the operation, maintenance, and expenses of the Arkansas Library Commission, the following:

For the fiscal year ending June 30, 1940.

* * * * *

(8) Aid to County Libraries... ..\$38,000.00

* * * * *

For the Fiscal year ending June 30, 1941

* * * * *

(8) Aid to County Libraries.....\$38,300.00

Sec. 2 Should any part of the appropriations herein contained, for any

specific item of said department, be not found necessarily required for the purposes named, same shall not be transferable or usable for any purpose other than that for which appropriated, but shall be certified to the Governor and the Comptroller of State, who may, with the approval of the other, cause transfer thereof and permit the use of same for other essential purposes in such department by certification to that effect.

D. STATE HISTORY COMMISSION

(Arkansas Dig of Stats, 1937, v 2, p 3051-3053, s 12236-12242.)

Sec. 12236. **Commission created.** There is hereby created and established the Arkansas History Commission. The headquarters of the commission shall be at the State Capital in apartments set aside for its use by the Governor, or such other place as may be designated at any time by the General Assembly. The object and purpose of said commission are the care for and custody of official archives, the collection of materials bearing on the history of the State from the earliest times, the editing of official records and other historical sources, the encouragement of historical work and research and the performance of such other work, as may be required by law [1911, p 326, s 1]

Sec 12237 **Members; terms of office; organization.** Said commission shall consist of the Chief Justice, the president of the University of Arkansas and of the State Normal, and of six others to be appointed by the Governor, subject to confirmation by the Senate. At the first meeting of the commission the six appointed members by lot shall divide themselves into six classes, whose terms of service shall expire, respectively, at the end of two, four, six, eight, ten and twelve years. After the first commission the term of service of appointive members shall be twelve years. The beginning of the several terms for the purpose of this act shall be January, 1909. Appointees to fill vacancies occasioned by death or resignation shall serve merely for the unexpired terms of their predecessors. The said commission shall hold at the State Capital at least one regular meeting each year and as many special meetings as may be necessary, and at said meetings five members as shall constitute a quorum. The commissioners shall receive no compensation for their services; only the necessary expense incurred by them in attending meetings shall be allowed. The commission is empowered to adopt rules for its government and for the conduct of business committed to its charge, to elect a secretary and to perform all other acts necessary to carry out the purpose of this act. The commission may call upon the Governor for such rooms in the new Capital as its needs require unless another place is designated by the General Assembly of the State, and it is hereby made the duty of the Governor to set apart said rooms for the exclusive use of the commission. [Id. s 2.]

Sec. 12238. **Duties of commission.** It shall be the duty of the commission to receive, classify and arrange, convenient for public use, all official

archives that may come into its custody; to prepare for publication an inventory of official archives in the several departments of the State government; to collect and preserve all files of such Arkansas newspapers as may be presented to the commission, and to bind such of them as the funds of the commission will permit; to have repainted or retouched the old pictures now at the State House, to collect the portraits of pioneers or eminent Arkansans and the pictures of historical homes and scenes, to collect and preserve aboriginal and Indian relics and memorials of the Mexican and Civil Wars; to prepare and publish a roster of all troops from Arkansas in all wars in which our people have participated; to collect, classify and preserve all manuscripts, diaries, journals and papers of historical value, pertaining to Arkansas and Arkansans; to collect and prepare for publication data pertaining to the soldiers from Arkansas in the war between the States and the war with Spain; to have general supervisory control over all excavations of mounds and other places of relics within the State, to select and publish such State papers as the resources at its command will justify; to cooperate with the secretary of the Arkansas Historical Association in preparing and publishing the future publications of said association; to build up at the State Capital a museum, art gallery and library, rich in the sources of Arkansas history; to submit to the Governor a biennial report setting forth in detail the work of the commission. All records, papers, archives and historical material coming into possession of said commission shall be and remain the property of the State (except that the commission is authorized to receive loans); said commission shall act merely in the capacity of trustee for the State. It shall also be the duty of the commission to collect, compile and arrange information upon subjects of legislation and administration; to make available the laws and reports of this and other states and nations; to prepare bibliographies, syllabi, digests, indexes, reports and data upon the same, to make check lists and indexes of pending legislative bills and bills previously introduced, to secure bills pending in other states, when requested by the Governor or a member of the General Assembly, to investigate the statutes and laws of other states, and to furnish to any member of the General Assembly or the heads of any of the executive or administrative departments of the State, such information along these lines as may be desired [Act Mar. 21, 1917, p.1443, s 1.]

Sec. 12239 Authority of commission. The Arkansas History Commission is authorized, in further perfecting and completing its work of preserving the history of Arkansas' part in the great war, to proceed by any or all of the following measures: (a) To accept of the Federal government such official and historical documentary sources of history as from time to time said government or any department thereof may be disposed to turn over to the custody of the State; (b) to collect, preserve, index and properly file all material pertaining to the official activities of the State generally in the great war; (c) to enlist the assistance of allied organizations and agencies

throughout the state, such as the State Department of public education, the State Council of Defense, public libraries, the public schools, women's clubs, local or county historical and patriotic societies for gathering information pertaining to the great war, (d) to procure memorials and relics of the great war, to place said memorials on exhibit in a place set apart in the museum of the commission along these lines as may be desired. [1917, p 1443, s 1.]

Sec 12240 Secretary; duty and compensation. The secretary shall devote his entire time to the work of the commission, for which he shall receive a salary of \$2,400 a year [Id s.2.]

Sec. 12241. Preservation of books, documents, etc. Any State, county or other official is hereby authorized and empowered, at his discretion, to turn over to the commission, for permanent preservation, any official books, records, documents, original papers and newspaper files not in current use in his office. When so surrendered, copies therefrom shall be made and certified by the secretary of the commission upon the application of any person interested, which certification shall have the force and effect as if made by the officer originally in the custody of them and for which the same fee shall be charged to be collected in advance [1911, p 326 s.5]

Sec 12242 Copies of state publications to be furnished. There shall be placed at the disposal of the commission sixty copies of every State publication, except the Supreme Court Reports, the same to be used by the commission in exchanging with other States and societies for their publications. All printing, blanks, stationery and circulars for the commission or its secretary and the printing of the publications of the Arkansas Historical Association, issued under the supervision of the commission, shall be executed by the public printer and shall be paid out of the general printing fund. [Id s.6]

E. DISTRIBUTION OF STATE PUBLICATIONS

(Arkansas Dig of Stats , 1937, v 1, p 1498-1500, s 5420, 5434, 5435)

Sec. 5420. To send State and other publications to University. The Secretary of State of Arkansas is authorized and is hereby directed to send to the library of the University of Arkansas a copy of all printed State documents and publications, including proceedings of constitutional conventions, Senate and House journals, messages, Revised Statutes, Constitutions, Statutes at Large, Digests Codes, Supreme Court Reports, and reports of all departments of State government, reports of boards of investigation, of impeachment trials, and sundry documents. Provided, that where there is not more than one copy of any document or publication in the State library, no copy of said document shall be sent out. It shall further be the duty of the Secretary of State to send to the library of the University a copy of all future publications of the State as they shall issue from the press. The Secretary of State is further directed to send to the library of the University a copy of all publications of the Federal government, where there are duplicate

copies in the State library. This shall include the Congressional Globe, Congressional Record, executive documents, departmental and commercial reports, and any Federal documents. [1905, p.201, s.1, 3.]

Sec. 5434. Free books to certain officers. The Secretary of State shall reserve from sale a sufficient number of copies of the Acts of the Legislature and Digests of the Statutes of Arkansas for the free distribution of one copy of each as they are published and bound to the following officers, to wit: Justices of the peace, county and probate judges, county clerks, circuit clerks, sheriffs, tax collectors, county treasurers, assessors, prosecuting attorneys, circuit judges, chancery judges, Supreme Court reporter, Supreme Court judges, Supreme Court library, Attorney General; provided, that the Attorney General shall be supplied with two copies of each; all State departments, when requested by the heads of said departments, members of the General Assembly, provided said members shall be entitled to one copy of each volume of the Acts and Journals of the preceding session and of the session of which they are members

The Secretary of State shall also furnish one copy of the Supreme Court Reports as the same are published and bound, to the following officers, to wit: Circuit clerks, county clerks, circuit judges, chancery judges, Supreme Court reporter, Supreme Court judges, Supreme Court library, Attorney General, provided that the Attorney General shall be furnished with two copies of each Report; all State departments, when requested by the heads of said departments; clerk of the Supreme Court, upon the demand, two hundred (200) copies of each Report [s 2, Act 207 of 1921]

Sec. 5435. Exchange of books. The Secretary of State is hereby authorized to exchange with other States and countries the Reports of the Supreme Court, Acts of the Legislature of the State of Arkansas, when bound and ready for distribution, and Digests of the Statutes, when revised and published, that extend to this State similar courtesies, also to furnish, upon demand, to the Federal Court of Arkansas the current Digest of the Statutes of Arkansas, the Acts of the Legislature and the Reports of the Supreme Court of the State beginning with volume 126

The Secretary of State is further authorized to distribute to the library of Congress the Acts of the Legislature of the State of Arkansas, Digests of the Statutes and reports of the Supreme Court after the same have been published or after they may be hereafter published, and all other publications of any sort by the State of Arkansas or any Department or Agency thereof, provided that the Secretary of State shall not distribute to said Library of Congress more than eight copies of such Acts, Digests, Reports and other publications, and provided, that in no event shall any number be so distributed to said Library of Congress until said Library shall agree to furnish to the State of Arkansas for the use of the Supreme Court Library, a like number of the copies of all similar publications made by the United States Government. [Act 207 of 1921, s.3, as amended by Act 209 of 1937.]

F. COUNTY LIBRARIES

(Arkansas Dig of Stats, 1937, v.1, p.938-940, s 2629-2639.)

Sec. 2629. County courts may establish libraries. The county courts of the several counties shall have power and authority to establish, maintain and operate county free libraries in the manner and with the functions prescribed in this act, and counties may appropriate money for said purposes.

The county court shall also have the power to establish in cooperation with another county or other counties, a joint free library for the benefit of the co-operating counties.

Establishment of said county libraries shall be evidenced by a regular order of the county court to be duly recorded, and appropriations for the establishment and maintenance thereof shall be in the manner prescribed by law for expenditures by counties [Act 244, 1927, s 1]

Sec. 2630 Funds in custody of treasurer. All funds of the county free library shall be in the custody of the County Treasurer and shall constitute a separate fund to be known as the County Free Library Fund. No claim against such fund shall be approved by the county court until acted upon by the County Library Board hereinafter provided for and payment authorized by said board. Such claims when certified as valid claims by the board shall be acted upon as all other claims against the County [Id s 2.]

Sec 2631 County library board. County free libraries established under this act shall be under the control of a board of six members to be appointed by the county court, to be known as the county library board. The members of said board shall be appointed for a term of three years each, but the first appointments hereunder shall be so arranged that the terms of two members of said board shall expire each year. The county court may, therefore, in establishing said board, appoint two members for a term of one year, two members for a term of two years, and two members for a term of three years, all appointments thereafter to be for a term of three years. Said board shall have full charge of the county library systems established hereunder and shall elect a county librarian. [Id. s 3.]

Sec 2632. Qualifications of librarian. No person shall be appointed to the office of County Librarian unless prior to appointment he shall have received from the State Library Board a certificate of qualification for the office, which must be filed with the County Clerk before any salary claims may be honored. The County Librarian shall conduct the library according to the most approved county library methods, and shall attend all State Library Association meetings. [Id. s.4.]

Sec. 2633. State Library Board. The State Library Board shall consist of the Librarian of the Free Library Service Bureau who shall be ex officio chairman of the Board, the President of the State Teachers' College who shall be ex officio member, and the President of the State Library Association, who shall be ex officio member. The members of said State Library

Board shall receive no compensation for their services except the actual and necessary travelling expenses which shall be paid out of the appropriation for the Free Library Service Bureau

Said Board shall arrange for such meetings as may be necessary for the discharge of duties hereinafter set out. [Id. s 5]

Sec 2634. County libraries; where located. The County Library shall be located at the county seat and the County Court shall provide suitable quarters in the Courthouse if requested by the County Library Board.

The said board and the County Librarian shall give service to all parts of the county through such branch libraries, deposit stations and other extension methods, as in their judgment should be established. [Id. 6.]

Sec. 2635. Authority of county board. The County Library Board shall fix the salary of the County Librarian, shall appoint the necessary assistants on the recommendation of the County Librarian, and shall have full authority for directing the expenditures of the funds appropriated for the purposes of this Act They shall allow all actual necessary travelling expenses The Librarian shall render an annual report to the County Library Board and to the Free Library Service Bureau and such other reports as the County Board may require [Id 7.]

Sec 2636 Title to all property vested in county. The County Library Board is authorized and empowered to receive on behalf of the County, any gift, bequest or devise for the County Free Library or any branch or subdivision thereof, and shall use and administer such gifts in accordance with the terms imposed thereon The title to all property belonging to the County Free Library shall be vested in the County [Id s 8]

Sec 2637. Power to contract. The County Library Board shall have authority to enter into contracts with municipalities having library facilities approved by the State Library Board, whereby free county library service may be rendered throughout the county, and the expenses of maintaining such joint municipal and County library service, shall be apportioned in such manner as may be jointly agreed upon by the municipal authorities and the County Library Board The librarian of such library must hold county library certificate Said Board shall have authority to take over municipal library property upon proper action by municipal authorities and any municipality of this state may make its library facilities a part of the County Free Library system by appropriate action [Id s 9]

Sec. 2638. Adjoining counties may act jointly. Two or more adjacent counties may by proper order of the County Courts enter into agreements for joint free library service under the terms of this act In such cases, the affairs of the joint library system shall be administered by agreements of the Boards in the respective counties and the property to be used jointly by said counties shall not be withdrawn except in accordance with the terms of such agreements as may be entered into or with the consent of the other counties. [Id. s.10]

Sec. 2639 Expenses therefor apportioned. The expenses of conducting such joint library service may be apportioned by agreement and all claims arising out of the joint library agreement shall constitute valid claims against the respective counties to be acted upon as herein provided for, in the case of a single county free library service. [Id s.11.]

G. MUNICIPAL LIBRARIES

(Arkansas Dig of Stats, 1937, v.2, p 2461, s 9723-9724, *Ibid* 2430-2432, s 9590-9598)

Sec. 9723. Public libraries. Cities of the first and second class are hereby authorized and empowered to establish and maintain public libraries; and for the purpose of establishing and maintaining public libraries, cities of the first and second class are hereby authorized to levy and collect a tax of not exceeding one-half of one mill on all real and personal property situated in the same, provided, said tax with the other taxes assessed by said cities shall not exceed five mills [Act April 7, 1911, p.125]

Sec 9724. Same; regulations and contracts. Said cities by ordinance are hereby empowered to make such regulations as they may see proper in the establishing and maintaining of said libraries and to make contracts with parties who may be desirous of making donation to assist in establishing and maintaining said libraries, and said contracts shall be inviolable. [Act April 13, 1903, p 233]

Sec 9590 Establishment.

- (a) The city council of properly constituted municipal authorities may maintain a public library or reading room for the use and benefit of the inhabitants of such city When such a library or reading room has been established, the city council or properly constituted municipal authorities may allot, for library purposes, a maximum appropriation of one-half mill from the revenue derived from all real and personal property within the city limits to be used exclusively for the maintenance of such library or reading room.
- (b) In cities of the first class, on petition of five percent of the voters praying for the establishment of a public library, the city council or properly constituted municipal authorities shall, within thirty days after the filing of such petition, call an election to be held within sixty days thereafter. Such election shall be advertised and conducted as special elections are required by law to be. The ballots shall be marked "For Public Library," "Against Public Library." If a majority of the electors voting at such election vote in favor of the establishment of such a library, it shall be the duty of such city council or properly constituted municipal authorities immediately to establish a public library and continue to maintain it, in accordance with the provisions of Section 1 hereof. [Act 177, of 1931, s.1]

Sec. 9591. Board of trustees. When any city council shall have decided to establish and maintain a public library under this Act, the mayor of such city shall, with the approval of the city council, appoint a board of five trustees for the same, chosen from the citizens at large with reference to their fitness for such office. Said trustees shall receive no compensation for their services and shall, before entering upon the duties of their office, make oath or affirmation before some judicial officer to discharge the duties enjoined upon them [Id. s 2]

Sec. 9592. Term of office. Two trustees shall hold office for two years, two for four years and one for six years from the first day of January following their appointment in each case. At the first meeting they shall cast lots for their respective terms, reporting the results of such lot to the council. All subsequent terms shall be for six years. The removal of any trustee permanently from the city, or his absence from four consecutive meetings of the board, without due explanation of absence, shall render his office as trustee as vacant. Vacancies on the board shall be filled by the mayor with the approval of the city council. [Id. s 3]

Sec. 9593. Organization. Said trustees shall, immediately after their appointment, meet and organize by the election of one of their members as President, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance as they see fit. They shall meet once a month, and oftener if necessary, for the transaction of business [Id. s 4]

Sec. 9594. Power of Trustees. All money received for the library purposes, whether by taxation or otherwise, shall belong to and be designated as the library fund, and shall be paid into the city treasury, and kept separate and apart from other funds, of such city, and drawn upon by the proper officers of said library upon the properly authenticated vouchers of the library board.

Said Board shall have exclusive control of the expenditures of all moneys collected to the credit of the library fund, and of the construction of any library building, and the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose

Said board shall have the power to purchase or lease ground, or to purchase, lease, erect and occupy an appropriate building or buildings for the use of said library. When a building erected or purchased by the board is not adapted to its purpose or needs, the board may remodel or reconstruct such building. Said Board may also sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes.

Said board shall have the power to appoint a librarian qualified by education, training, experience and personality, who shall serve at the will of the board. They shall have power to appoint necessary assistants and other members of the staff, basing their appointment on the recommendation of the librarian.

Said board shall have the power to make necessary rules and regulations for administering the library, and shall make provisions for representation at library conventions. [Id. s.5.]

Sec. 9595. Contracts. Said board may extend the privilege of use of such library and reading rooms to persons residing outside the city upon such terms and conditions as said board may from time to time by its regulations prescribe. Said board may also contract for library service with the county quorum court or with the municipal authorities of a neighboring city, town or village, or with school authorities. [Id. s.6.]

Sec. 9596. Gifts. Any person desiring to make donations of money, personal or real estate, for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of trustees created under this Act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered trustees [Id s 7]

Sec. 9597. Injuries to property. The city council of said city shall have power to pass ordinance imposing suitable penalties for the punishment of persons committing injury upon library grounds or property thereof, or for injury or failure to return any book, periodical or property belonging to the library. Said board of trustees may refuse the use of the library to such offenders [Id s 8]

Sec. 9598. Reports of trustees. At the end of each fiscal year the board of trustees shall present a report of the condition of the trust to the city council. This report shall be verified under oath by the secretary of some responsible person. It shall contain (a) an itemized statement of the various sums of money received from the library fund and other sources, (b) a statement of the number of books and periodicals available for use, and the number and character thereof circulated; (c) a statement of the real and personal property received by devise, bequest, purchase, gift or otherwise, (d) a statement of the character of any extension of library service which may have been undertaken; (e) a statement of the financial requirements of the library for the ensuing year; (f) any other statistics, information or suggestions that might be of interest. A copy of this report shall be filed with the Free Library Service in the State Department of Education. [Id s.9.]

CALIFORNIA

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A. STATE LIBRARIES

(1) GENERAL PROVISIONS

(California School Code, 1937, p.163-164, s 2.1450-2.1457, Calif Pol. Code, 1937, p 344-346, s 2293-2295a; Stats. 1939, ch 430)

Sec. 2.1450 **Creation.** There is hereby created in the department of

education an additional division to be known as the division of libraries. [Enacted 1929.]

Sec. 2.1451. **Chief and his qualifications.** The division shall be in charge of a chief who shall be a technically trained librarian and shall be known as the "state librarian." [Enacted 1929.]

Sec. 2.1452 **Appointment, salary and bond.** The state librarian shall be appointed by and hold office at the pleasure of the governor, shall receive a salary of five thousand dollars per annum, and before entering upon the duties of his office shall execute an official bond to the State of California in the penal sum of three thousand dollars. [Enacted 1929.]

Sec. 2.1453 **Duties of librarian.** The state librarian shall administer the state library in accordance with law and such regulations as may be adopted by the state board of education, which board shall determine all policies for the conduct of the state library. [Enacted 1929.]

Sec 2.1454 **Library powers vested in department.** The department of education shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction, of the board of trustees of the state library and the state librarian, including all the duties, powers, purposes, responsibilities and jurisdiction of the department of finance and the division of libraries under the department of finance which pertain to the administration and the management of the state library and heretofore were transferred to said department of finance and said division of libraries from the state librarian and the board of trustees of the state library [Enacted 1929.]

Sec 2.1455 **Duties and jurisdiction transferred.** Except as herein otherwise provided, whenever, by the provisions of any statute or law, now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or an authority conferred upon the board of trustees of the state library, the state librarian, the division of libraries of the department of finance, or any of the officers or deputies thereof, or either thereof, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of education with the same force and effect as though the title of the department of education had been specifically set forth and mentioned therein in lieu of the name of any such board, commission, office, officer, deputy, or employee thereof, as the case may be. [Enacted 1929.]

Sec 2.1456 **Construction of terms used in library statutes.** For the purposes of this Article the terms "board of trustees of the state library," "state librarian," "division of libraries of the department of finance," or similar designation, and of the several members, officers or employees of such board, office, or division when used in any statute or law now in force, or that may hereafter be enacted shall be construed to mean and refer to the department of education, the same as though the title of the department of education had been specifically set forth and named therein [Enacted 1929.]

Sec. 2.1457. Possession and control of library records, etc. The department of education shall be in possession and control of all records, books, papers, offices, equipment, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of the state library or the division of libraries of the department of finance, and the department of education is hereby authorized and empowered to expend the money in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes, the administration of which is hereby committed to the departments, or for the use, support or maintenance of the state library, or of the division of libraries of the department of finance, such expenditures by the department to be made in accordance with law in carrying out the purposes for which such appropriations were made, or such special funds created. [Enacted 1929.]

Sec. 2293. Board; powers and duties. The powers and duties of the board are as follows:

(1) To make rules and regulations, not inconsistent with law, for its government and for the government of the library;

(2) To appoint a librarian, who may appoint an assistant state librarian, said assistant shall be a civil executive officer;

(3) To authorize the librarian to appoint such other assistants as may be necessary;

(4) To sell or exchange duplicate copies of books,

(5) To keep in order and repair the books and property in the library,

(6) To draw from the state treasury at any time, all moneys therein belonging to the library fund,

(7) To prescribe rules and regulations permitting persons other than those named in section twenty-two hundred and ninety-six, to have the use of books from the library,

(8) To collect and preserve statistics and other information pertaining to libraries, which shall be available to other public libraries within the state applying for the same;

(9) To make to the governor, biennially, a report of its transactions;

(10) To establish, in their discretion, deposit stations in various parts of the state, under the control of an officer or employee of the state library, *provided*, that no books shall be kept permanently away from the main library, which may be required for official use [Enacted 1872; Amended by act of April 1, 1872, Stats. 1913 p 1149]

Sec. 2294 Librarian; term of office. [Enacted 1872; Repealed by Stats 1929, p.367]

Sec. 2295. Same; duties. It is the duty of the state librarian.

(1) To be in attendance at the library during office hours.

(2) To purchase books, maps, engravings, paintings and furniture for the library.

(3) To number and stamp all books and maps belonging to the library, and keep a catalogue thereof.

(4) To have bound all books and papers that require binding.

(5) To keep a register of all books and property added to the library, and of the cost thereof.

(6) To keep a register of all books taken from the library. [Enacted Stats. 1929, p 367.]

Sec. 2295a. Publications furnished state library. It shall be the duty of the superintendent of state printing to furnish to the state library, as soon as issued, sixty copies of all printed reports and other publications of state officers, commissions and departments; provided that copies, not to exceed a total of two hundred and fifty, may be furnished to the State Library with the approval of the Department of Finance. Twenty-five of the documents so furnished shall be bound copies. Of the publications issued from day to day during the sessions of the Legislature, there may be furnished to the State Library as many as may be required by the librarian. The State Librarian shall, in his discretion, distribute publications so received to the public libraries, and other educational, scientific, literary or art institutions of the state, which may apply to be put on the mailing list for all or a portion of the State publications, and to such libraries and other institutions outside this State with which the State Librarian may have established exchange relations. In the discretion of the State Librarian, remaining copies of State publications, except those publications required by law to be sold, may be distributed to any person applying therefor. [Calif. Stats 1933: 2550, ch.988.]

Sec 2296 Who may take books. Books may be taken from the library by the members of the legislature during the sessions thereof, and by other state officers at any time. [Enacted 1872.]

Sec. 2297. Return of books taken by members of legislature. Books taken by members of the legislature must be returned at the close of the session; and before the controller draws his warrant in favor of any member of the legislature for his last week's salary, he must be satisfied that such member has returned all books taken by him and paid for any injuries thereto [Enacted 1872]

Sec. 2298. Return of books taken by state officers; deduction from salary; suit by librarian. The controller, when notified by the state librarian that any officer or employee of the state for whom he draws a warrant for salary has failed to return any book taken by him (or for which he has given an order) within the time prescribed by the rules; or the time within which it was agreed to be returned, and which notice shall give the value thereof, must, after first informing said officer or employee of such notice, upon failure by him to return the said book, deduct from the warrant for the salary of said officer or employee, twice the value of such book, and place the amount so deducted in the state library fund. In case of the

neglect or refusal on the part of any officer or employee of the state to return a book for which he has given an order or a receipt or has in his possession, the state librarian is authorized to purchase for the library a duplicate of said book, and to notify the controller of such purchase, together with the cost of the same. Upon the receipt of such notice from the librarian, the controller must deduct twice the cost of said duplicate book from the warrant for the salary of said officer or employee, and place the amount so deducted in the state library fund. The state librarian is empowered to bring suit in his official capacity for the recovery of any book or books, or for three times the value thereof, together with costs of suit, against any person having the same in his possession or being responsible therefor. In case the librarian has purchased a duplicate of any book as provided in this chapter, he is authorized to bring suit as aforesaid for three times the amount so expended for said duplicate, together with costs of suit. [Enacted 1872, Amended by Stats. 1899, p 30; Stats 1903, p 83]

Sec 2299 Liability for injuring or failing to return book. Every person who injures or fails to return any book taken is liable to the librarian in three times the value thereof. [Enacted 1872.]

Sec 2301 Hours when library to be kept open. During the session of the legislature and of the supreme court, the library must be kept open every day from nine o'clock a.m. until nine o'clock p.m., and at other times during such hours as the trustees may direct. [Enacted 1872]

Sec. 1 Books, etc., required to be furnished. Of each printed, mimeographed and other processed book, pamphlet, report, bulletin, or other publication issued at the expense of a municipal corporation or of a county, or of a city and county, the city or county clerk, as the case may be, shall send one copy to the State Library at Sacramento, one copy to the Bureau of Public Administration of the University of California, at Berkeley, and one copy to the Bureau of Governmental Research of the University of California at Los Angeles, for preservation and reference use in said institutions. For this purpose, it is hereby made the duty of the legislative body or of any office, officer, or employee or a municipal corporation or of a county, or of a city and county, to furnish the clerk three copies of each such publication issued by said body, office, or person. [Amended by Stats. 1939, ch.430]

(2) SUTRO LIBRARY

(California Stats, 1915, p 822-823, ch 492)

Sec 1 Sutro library accepted. The action of the trustees of the state library in accepting as a gift from the heirs of the late Adolph Sutro, on behalf of the State of California, the collection of rare books and manuscripts gathered by the said Adolph Sutro is hereby approved and validated.

Sec. 2 San Francisco branch established. The establishment by the

trustees of the state library of a branch of the state library in the city and county of San Francisco, to be known as the "Sutro Library," in which branch the said collection of rare books and manuscripts shall, in accordance with the terms of the gift, be maintained is hereby approved and validated.

(3) CIVIL SERVICE

(California Const art XXIV, s 4, see also California Stats 1937, p 2085-2112, ch 753)

Sec 4. (a) The provisions hereof shall apply to, and the term "State civil service" shall include, every officer and employee of this State except:

- (1) State officers elected by the people.
- (2) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office
- (3) State officers and employees directly appointed or employed by the Attorney General or the Judicial Council; or by any court of record in this State or any justice, judge or clerk thereof
- (4) State officers and employees directly appointed or employed by the Legislature or either house thereof
- (5) One person holding a confidential position to any officer mentioned in paragraphs (1), (2) or (4) hereof except that there shall be but one such position to any board or commission composed in whole or in part of officers mentioned in said paragraphs, each such person to be selected by the officer, board or commission to be served
- (6) One deputy for the Legislative Counsel and for each State officer elected by the people, each such deputy to be selected by the officer to be served
- (7) Persons employed by the University of California
- (8) Persons employed by the State normal school or teachers college
- (9) The teaching staff of all schools under the direction or jurisdiction of the Superintendent of Public Instruction, the Department of Education or the director thereof or the State Board of Education who otherwise would be members of the State civil service [Calif Const , art.XXIV, s 4]

B. SUPREME COURT LIBRARY

(California Pol Code, 1937, p 190, s 749)

Sec 749 **Employees of supreme court; duties and compensation.** The supreme court shall have power and authority to appoint and employ during its pleasure such phonographic reporters, assistants, secretaries, librarian and other employees as it may deem necessary for the performance of the duties and exercise of the powers conferred by law upon said court and the members thereof, and, except as in this chapter otherwise provided,

to determine the duties and fix and pay the compensation of all such officers and employees.

Payment of salaries. All salaries and expenses incurred under the provisions of articles I and II of this chapter by said court shall be paid from the funds appropriated for the use of said court, when approved by the order or orders of said court, and audited by the board of control. [Enacted 1872; Amended by Stats. 1927, p 950]

C. STATE MEDICAL LIBRARY

(Bus and Pro Code, 1937, p 11-12, s.525-534)

Sec 525. State medical library recognized; supervision, etc. There is a State Medical Library which is a part of the library of the University of California The regents of the University of California have supervision and control of the library and they shall administer and conduct it in conjunction with the medical school of the University of California [Added by Stats 1937, p 1378]

Sec. 526. Branches; administrative headquarters. The library shall have two branches, one at the medical school of the University of California located in the city and county of San Francisco, and the other at the Los Angeles medical department of the University of California. The library shall have its administrative headquarters in such place as the regents may select. [Added by Stats 1937, p 1378.]

Sec 527. Authority of regents. The regents are authorized:

- (a) To provide suitable and necessary facilities for the storage and care of books, journals, manuscripts, and exhibits
- (b) To prepare, print and distribute suitable catalogs and other printed information concerning the library
- (c) To appoint one or more assistant librarians to have direct supervision and control over the library and its branches
- (d) To fix the compensation of the assistant librarians.
- (e) To establish and conduct a book package service and prescribe rules and regulations for its operation [Added by Stats 1937, p.1378.]

Sec 528. Advisory board; organization; compensation and expenses. There is a State Medical Library advisory board which consists of the president of the University of California, the president of the State Board of Public Health, the president of the State Board of Medical Examiners, the dean of the medical school of the University of California located at San Francisco and the dean of the Los Angeles medical department of the University of California located at Los Angeles, all acting ex-officio.

The board shall select its own chairman, vice chairman, and secretary The members of the board shall receive no compensation, but shall receive their actual and necessary expenses incurred in the performance of their duties. [Added by Stats. 1937, p 1378]

Sec. 529. **Purchase of books, etc.; payment of salaries and expenses.** With the advice of the advisory board, the regents may purchase books and other publications, exhibits, manuscripts and supplies for the library, and may pay the expenses of the members of the advisory board, the salaries of the assistant librarians, and operating expenses. [Added by Stats. 1937, p.1378.]

Sec. 530. **Rules and regulations.** The advisory board may propose rules and regulations for the management and operation of the library, but these become effective only upon the approval of the regents. [Added by Stats. 1937, p 1378]

Sec. 531. **Use of library; book package service.** The library and its branches shall be available for the use of all legally registered physicians and surgeons resident in the State of California. Such physicians and surgeons and the librarian of any medical college approved by the State Board of Medical Examiners may, on request, borrow for temporary use books or periodicals in the library by means of the book package service, according to the rules and regulations prescribed by the regents [Added by Stats 1937, p 1378]

Sec. 532 **Charges.** Nothing in this article shall be deemed to prevent the regents from charging to persons who may draw books from the library through its package service the actual costs of shipment, including costs of transportation [Added by Stats 1937, p 1378]

Sec 533 **Appropriation.** There is hereby appropriated on the thirty-first day of July of each year, and the State Controller shall transfer from the Board of Medical Examiners' contingent fund to the regents for the support and maintenance of the Library, all unencumbered moneys in the Board of Medical Examiners' contingent fund in excess of one hundred thirty thousand dollars [Added by Stats 1937, p.1378.]

Sec. 534. **Expenditure of funds.** In expending funds received for the support of the library, the regents shall expend an equal amount for the support of each of the two branches The regents shall not be obliged to provide for the support of the library or to expend moneys therefor except to the extent of such appropriations as may be directly provided therefor by this article or from time to time by action of the Legislature of the State of California, and to the extent that there are available other funds constituting or arising from gifts made in support and aid of the library and accepted by the regents. [Added by Stats. 1937, p.1378]

D. LIBRARY DISTRICTS

(California Gen. Laws, 1937, v.1, p 1041-1048, Act 2121.)

Sec. 1. **Short title.** This act shall be known and may be cited as the Library District Act of 1935

Sec. 2. **Purpose.** A library district may be organized, as provided

in this act; may establish, equip and maintain a public library for the dissemination of a knowledge of the arts, sciences and general literature; and may exercise the powers in this act granted or necessarily implied.

Sec. 3 Territory. A library district may include incorporated or unincorporated territory, or both, in any one or more counties, so long as the territory of the district consists of contiguous parcels and the territory of no city is divided

Sec 4 Petition. Whenever the formation of a library district is desired, a petition which may consist of any number of instruments, may be presented at a regular meeting of the board of supervisors of the county in which is located the largest proportionate value of the lands within the proposed district as shown by the last equalized county assessment roll. That board of supervisors is hereinafter referred to as the supervising board of supervisors. Such petition shall be signed by registered voters residing within the proposed library district equal in number to at least five per cent of the number of votes cast in the territory comprising the proposed district at the last preceding general State election at which a Governor was elected

Sec 5 Filing of petition. The provisions of sections 103, 104, 105, 106 and 107 of Chapter I, Division I of the District Organization Act shall govern and control the proceedings for the filing and hearing of the petition

Sec 6 Final hearing. The provisions of Chapter II, Division I of the District Organization Act shall govern and control the proceedings for final hearing of the petition and the formation of the district

Sec 7 Protests. On the filing of written protests by registered voters residing in the proposed district equal in number to at least fifty per cent of the number of votes cast in the territory comprising the proposed district at the last preceding general State election at which a Governor was elected, the proceeding for the formation of the district shall be terminated as provided in sections 159 and 160 of the District Organization Act

Sec 8 Board of trustees. Within thirty days after the filing with the Secretary of State of the resolution declaring the organization of the district, a board of three library trustees shall be appointed for the district. The board shall consist of one trustee to be appointed from each unit, in the case of any unincorporated territory by the board of supervisors and in the case of a city by the governing body thereof.

If the board thus appointed would consist of more than three members then the supervising board of supervisors shall appoint three library trustees from the district at large

If the board thus appointed consists of less than three members, then the supervising board of supervisors shall appoint from the district at large enough additional members to make a board of three trustees

As used in this section, "unit" means all unincorporated territory in the district which lies in a single county and also means each city in the district.

Sec. 9. Vacancy in board. A vacancy in the board of library trustees shall be filled for the unexpired term by appointment of the supervising board of supervisors. Each library trustee shall hold office until his successor is elected and qualified.

Sec. 10. Name of district; terms of trustees. The governing board of the district shall be called "The board of library trustees of..... library district" (inserting the name of the particular district). The trustees shall hold office for the term of three years beginning on the second day of the calendar year next succeeding their appointment or election. The first board of library trustees appointed in a district shall at their first meeting so classify themselves by lot that their terms shall end one on the second day of the second calendar year next succeeding his appointment, one at the end of one year thereafter and one at the end of two years thereafter.

Sec. 11. Annual election. An election must be held annually in each library district for the election of one library trustee who shall hold office for three years beginning on the second day of the calendar year next succeeding his election. This election shall be known as the general district election and shall be held in the district on the same day as the State general election in the even-numbered years and in the odd-numbered years on the first tuesday after the first Monday in November.

Sec. 12. Qualifications of electors. To be qualified to vote at any library district election a person must be a resident of the library district, a qualified elector of the county, and must be registered in the district in which the election is held at least thirty days before the election.

Sec. 13. Organization of board. At its first meeting called after the original appointment of the board, and annually thereafter at its first meeting called after the second day of the calendar year, the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified. The board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees of any library district, formed under the provisions of this act, it must immediately cause to be made out and filed with the State Librarian at Sacramento a certificate showing that such library district has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

Sec. 14. Meetings. The board of library trustees shall meet at least once a month, at such time and place as it may fix by resolution. Special meetings may be called at any time by two trustees, by written notices served upon each member at least twelve hours before the time specified for the meeting. Two members shall constitute a quorum for the transaction of business.

Sec. 15. Powers of board. The board of library trustees is authorized and empowered, and it shall be its duty.

- (a) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under its management, and all property belonging thereto.
- (b) To administer any trust declared or created for such libraries, and received by gift, devise, or bequest, and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries.
- (c) To prescribe the duties and powers of the librarian, secretary and other officers and employees of any such library; to determine the number of and appoint all such officers and employees, and fix their compensation, which said officers and employees shall hold their offices and positions at the pleasure of the board.
- (d) To purchase necessary books, journals, publications and other personal property.
- (e) To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as in its judgment may be necessary properly to carry out the provisions of this act.
- (f) To require the Secretary of State and other State officials to furnish such libraries with copies of any and all reports, laws, and other publications of the State not otherwise disposed of by law
- (g) To borrow books from, lend books to, and exchange the same with other libraries, and to allow nonresidents of the district to borrow books upon such condition as the board may prescribe.
- (h) To borrow money, give security therefor, purchase on contract and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this act; provided, however, no tax levy shall ever be made for any purpose above the maximum permitted by this act
- (i) To file, through its secretary, on or before the last day of the month of July of each year, a report with the State Librarian at Sacramento giving the condition of its library or libraries and the number of volumes contained therein on the thirtieth day of June preceding
- (j) To designate the hours during which the library or libraries shall be open for the use of the public; but all public libraries established under the provisions of this act shall be open for the use of the public during every day in the year

Sec. 16. **Estimate of expenses; tax levy.** Annually, at least fifteen days before the first day of the month in which county taxes are levied, the board of library trustees of each library district shall furnish to the board of supervisors of the county in which the district or any part thereof is situated, an estimate in writing of the amount of money necessary for all purposes required under the provisions of this act during the next ensuing fiscal year. Thereupon it shall be the duty of each board of

supervisors in which any part of the district is situated to levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district. The tax shall in no case exceed the rate of fifteen cents on each one hundred dollars of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon such property. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. All moneys so collected shall be paid into the county treasury to the credit of the particular library district fund and shall be paid out on the order of the district board, signed by the president and secretary thereof.

Sec. 17. Apportionment of assessment among counties. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the exact value of the property in the several counties included within said district as shown upon the last equalized assessment rolls of those counties, and the estimates apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the official of those counties upon the property of the district lying therein

Sec. 18. Gifts for library purposes. All money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district, subject only to the order of the library trustees of said district. If payment into the treasury is inconsistent with the terms or conditions of any such gift, devise or bequest, the board of library trustees shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gifts, devise or bequest.

Sec. 19. Payment of warrants. Upon the receipt by the county auditor of an order of the library trustees of the district, he shall issue his warrant upon the county treasurer for the amount stated in such order. When any such warrant is presented to the treasurer for payment and the same is not paid for want of funds, the treasurer must endorse thereon "not paid for want of funds" with the date of presentation and sign his name thereto, and from that time the warrant shall bear interest at the rate of six per cent per annum until the warrant is paid or until funds are available for the payment of the same and the county treasurer gives notice to the warrant holder that funds are available for such payment. The giving of such notice shall be deemed complete upon the deposit thereof in the United States mail in a sealed envelope addressed to the warrant holder at the address of the latter given by him at the time of presentation of the warrant to the treasurer, with postage thereon fully prepaid and registered.

Sec. 20. Free libraries. Every library established under the provisions of this act shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and by-laws as may be made by the board of library trustees, and for violation of them a person may be fined or excluded from the privileges of the library.

Sec. 21. Contracts to lend books. The board of library trustees and the boards of trustees of neighboring library districts, or the governing bodies of neighboring cities, or boards of supervisors of counties in which public libraries are situated, may contract to lend the books of libraries created under this act to residents of such counties or neighboring cities or library districts, upon a reasonable compensation to be paid by such counties, neighboring cities or library districts

Sec. 22. Title to property; name of district. The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of its acquisition, or not otherwise designated, shall vest in the district in which such libraries are or are to be situated. Every library district must be designated by the name and style of library district (using the name of the district) of county (using the name of the county or counties in which said district is situated). In that name the trustees may sue and be sued, and may hold and convey property, for the use and benefit of such district. A number must not be used as a part of the designation of any library district.

Sec. 23. Notices and elections. The provisions of Chapters I and II of Division II of the District Organization Act relating to notices and elections shall govern and control this act.

Sec. 24. Election for bond issue. The board of trustees of any library district may, when in their judgment it is deemed advisable, and must, upon a petition of 50 or more taxpayers and residents of said library district, call an election and submit to the electors of the district, the proposition of whether the bonds of the district will be issued and sold for the purpose of raising money for the purchase of suitable lots, or procuring plans and specifications and of erecting a suitable building and of furnishing and equipping the same and of fencing and ornamenting the grounds, for the accommodation of the public library, or for any or all of the said purposes, or for any or all of the purposes of this act, for liquidating any indebtedness, incurred for said purposes, and for refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

Sec. 25. Calling and conduct of election. Such bond election shall be called and conducted and the results thereof canvassed, returned and declared in the manner provided in Chapter II of Division II of the District Organization Act.

Sec. 26. Contents of resolution calling election. In addition to the information required in section 232 of the District Organization Act, in the reso-

lution calling a bond election the board of trustees shall set forth the amount and denomination of the bonds, the rate of interest and the number of years the whole or any part of the bonds are to run.

Sec. 27 Voting. Voting must be by ballot (without reference to the general election law in regard to form of ballot, or manner of voting, except that the words to appear on the ballot shall be "Bonds—Yes," and "Bonds—No," and except further, that persons voting at such bond election shall put a cross (X) upon their ballots, with pencil or ink, after the words "Bonds—Yes," or "Bonds—No," (as the case may be), to indicate whether they have voted for or against the issuance of the bonds.

Sec. 28. Issuance of bonds; bond maximum. Upon the canvass of the returns, if it appears that two-thirds of the votes cast at the election were cast in favor of issuing such bonds, then the board of library trustees shall cause an entry of such fact to be made upon its minutes and shall certify to the supervising board of supervisors all the proceedings had in the premises. Thereupon said board of supervisors shall issue the bonds of said district, to the number and amount provided in such proceedings, payable out of the building fund of said district, naming the same. The money for the redemption of said bonds and the payment of interest thereon shall be raised by taxation upon the taxable property in said district.

Bond maximum. The total amount of bonds so issued shall not exceed five per cent of the taxable property of the district, as shown by the last equalized assessment roll of the county or counties in which the district is situated.

Sec. 29. Term of bonds. The supervising board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof.

Sec. 30 Interest; sale of bonds. The bonds must not bear a greater amount of interest than six per cent (6%) to be payable annually or semiannually. The bonds must be sold in the manner prescribed by the board of supervisors, but not for less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of the library district, and be drawn out for the purposes aforesaid as other library moneys are drawn out

Sec. 31 Tax levy for payment of interest and redemption of bonds. The board of supervisors of each county in which any part of the district is situated, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, at the equalized assessed value thereof for that year, for the interest and redemption of said bonds. Such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year. In any event such tax must be high enough to

raise, annually, for the first half of the terms said bonds are to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay such annual interest and to pay, annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years said bonds then have to run

Sec 32 Deposit of money. All moneys so levied, when collected, shall be paid into the county treasury to the credit of the said library district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor. It shall be the duty of the county auditor to cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

Sec 33. Unsold bonds. Whenever any bonds issued under the provisions of this act remain unsold for the period of six months after having been offered for sale in the manner prescribed by the supervising board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory of which at the time of holding the election authorizing the issuance of such bonds was embraced within the district for or on account of which such bonds were issued, may petition the supervising board of supervisors to cause such unsold bonds to be withdrawn from the market and cancelled

Sec 34 Petition for cancellation of bonds. Upon receiving such petition, signed by a majority of the members of the board of trustees, the supervising board of supervisors shall fix a time for hearing the same, which shall be not more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published as provided in this act

Sec. 35. Hearing. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which the hearing may be postponed, the supervising board of supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they shall deem it for the best interests of the library district named in the petition that such unsold bonds be cancelled, they shall make and enter an order in the minutes of their proceedings that said unsold bonds be cancelled, and thereupon said bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever

Sec. 36 Annexation and exclusions. Territory may be annexed to or excluded from a library district organized under this act in the manner provided in Division III of the District Organization Act, upon petition signed by the same number of qualified petitioners required for signature on the petition for organization of the district under this Act.

Sec. 37. Consolidation. Two or more districts organized under this act may be consolidated in the manner provided in Chapter 1 of Division IV of the District Organization Act.

Sec. 38. Dissolution. A library district organized under this act may be dissolved in the manner provided in Chapter II of Division IV of the District Organization Act.

Sec. 39. Territory in more than one county. No library district including territory in more than one county shall be organized under this act without the concurrent consent by resolution of each board of supervisors involved, as well as the consent of the governing body of each city to be included

Sec 40 Tax liability of property in district. Anything in the County Free Library Act to the contrary notwithstanding, the property in any library district created under this act is subject to taxation for county free library purposes just as though such library district had not been created.

E COUNTY LIBRARIES

(1) GENERAL PROVISIONS

(California Gen Laws, 1937, p 1339-1347, Act 2750, s 1-17, Pol Code, 1939, Suppl p 314, s 4041 30)

Sec 1 Authority to establish. The boards of supervisors of the several counties shall have power to establish and maintain, within their respective counties, county free libraries in the manner and with the functions prescribed in this act

Sec 2 Persons for whom library intended; publication of notice. The board of supervisors of any county may establish at the county seat a county free library for that part of such county lying outside of incorporated cities and towns maintaining free public libraries, and outside of library districts maintaining district libraries, and for all such additional portions of such county as may elect to become a part of, or to participate in, such county free library system, as hereafter provided in this act At least once a week for two successive weeks prior to taking such action the board of supervisors shall publish, in a newspaper designated by them and published in such county, notice of such contemplated action, giving therein the date of the meeting at which such action is proposed to be taken

Sec. 3 Participation of cities and towns; cessation of participation; publication of notice. After the establishment of a county free library as provided in this act, the board of trustees, common council or other legislative body of any incorporated city or town in the county maintaining a free public library, or the board of trustees of any library district maintaining a district library, may notify the board of supervisors that such city, town or library district desires to become a part of the county free library system, and thereafter such city, town or library district shall be a part thereof and its inhabitants shall be entitled to the benefits of such county free library, and the property within such city, town or library district shall be liable to taxes levied for county free library purposes But the board of trustees,

common council or other legislative body of any incorporated city or town in the county, or the board of trustees of any library district may at any time notify the board of supervisors that such city, town or library district no longer desires to be a part of the county free library system, and thereafter such city, town or library district shall cease to participate in the benefits of such county free library, and the property situated in such city, town or library district shall not be liable to taxes for county free library purposes; *provided, however*, that the board of trustees, common council or other legislative body of any incorporated city or town, or the board of trustees of any library district, shall publish, at least once a week for two successive weeks prior either to giving or to withdrawing such notice in a newspaper designated by said board of trustees, city council or board of library trustees, and circulating throughout such city, town or library district, notice of such contemplated action, giving therein the date and the place of the meeting at which such contemplated action is proposed to be taken.

Sec. 4. Contracts with cities and towns. The board of supervisors of any county wherein a county free library has been established under the provisions of this act, shall have full power and authority to enter into contracts with any incorporated city or town maintaining a free public library, and any such incorporated city or town shall, through its board of trustees or other legislative body, have power to enter into contracts with such county to secure to the residents of such incorporated city or town the same privileges of the county free library as are granted to, or enjoyed by, the residents of the county outside of such incorporated city or town, or such privileges as may be agreed upon in such contracts, upon such consideration to be named in said contract as may be agreed upon, the same to be paid into the county free library fund, and thereupon the residents of such incorporated city or town shall have the same privileges with regard to said county free library as are had by the residents of such county outside of such incorporated city or town, or such privileges as may be agreed upon by said contract.

Sec. 5. Contracts with other counties; library tax. The board of supervisors of any county wherein a county free library has been established under the provisions of this act, shall have full power and authority to enter into contracts or agreements with the board of supervisors of any other county to secure to the residents of such other county such privileges of such county free library as may, by such contract, be agreed upon and upon such consideration as may in said contract be agreed upon, the same to be paid into the county free library fund, and thereupon the inhabitants of such other county shall have such privileges of such county free library as may by such contract be agreed upon; and the board of supervisors of such county shall have full power and authority to enter into a contract with the board of supervisors of another county wherein a county free library has

been established under the provisions of this act, as in this section provided, and shall have power to levy a library tax, as in this act provided, for the purpose of carrying out such contract, but the making of such contract shall not bar the board of supervisors of such county during the continuance of such contracts, from establishing a county free library therein under the provisions of this act, if none be already established therein, and upon the establishment of such county free library, such contract may be terminated upon such terms as may be agreed upon by the parties thereto, or may continue for the term thereof.

Sec. 6. Board of library examiners; powers and duties. A commission is hereby created to be known as the board of library examiners, consisting of the state librarian, who shall be ex-officio chairman of said board, the librarian of the public library of the city and county of San Francisco, and the librarian of the Los Angeles public library. The members of said board shall receive no compensation for their services, except their actual and necessary traveling expenses, to be paid out of the state library fund. Said board shall pass upon the qualifications for all persons desiring to become county librarians, and may, in writing, adopt rules and regulations not inconsistent with law for its own government, and for carrying out the purposes of this act. Persons of either sex shall be eligible to certification for the office of county librarian.

Sec. 7. Appointment of librarian. Upon the establishment of a county free library, the board of supervisors shall appoint a county librarian, who shall hold office for the term of four years, subject to prior removal for cause, after a hearing, by said board. No person shall be eligible to the office of county librarian unless prior to his appointment he has received from the board of library examiners a certificate of qualification for the office. At the time of his appointment, the county librarian need not be a resident of the county nor a citizen of the State of California.

Sec. 8. Government of library; employees; grades; apprentices. The county free library shall be under the general supervision of the board of supervisors, which shall have power to make general rules and regulations regarding the policy of the county free library, to establish, upon the recommendation of the county librarian, branches and stations throughout the county and may locate said branches and stations in incorporated cities and towns wherever deemed advisable, to determine the number and kind of employees of such library, and to appoint and dismiss such employees upon the recommendation of the county librarian. Such employee shall not be removed except for cause, and in case any such removal be made upon the ground that the services of such employee are no longer required, such removed employee shall have the first right to be restored to such employment when such services are again required, but the board of supervisors may, at the time of appointing any employee, and upon the recommendation of the county librarian, enter into an agreement that such employee, be employed

for a definite time only. All employees of the county free library whose duties require special training in library work shall be graded in grades to be established by the county librarian, with the advice and approval of the state librarian, according to the duties required of them, experience in library work and other qualifications for the service required; and before appointment to a position in the graded service, the candidate must pass an examination appropriate to the position sought, satisfactory to the county librarian, and show a satisfactory experience in library work. Work in approved library schools or libraries, or certificates issued by the board of library examiners, may be accepted by the county librarian in lieu of such examination. The county librarian may also accept as apprentices, without compensation, candidates possessing personal qualifications satisfactory to him and may dismiss the same at any time if in his judgment their work is not satisfactory to him

Sec 9 Salaries of librarians in certain counties. The county librarian shall, prior to entering upon the duties of his office, file with the county clerk the usual oath of office and a bond, conditioned upon the faithful performance of his duties, with sufficient sureties approved by a judge of the superior court in the county of which the librarian is to be the county librarian, in such sum as may be determined by the board of supervisors. The county librarian shall, subject to the general rules adopted by the board of supervisors, build up and manage, according to accepted principles of library management, a library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased.

The salary per annum of the county librarian shall be as follows: In counties of the first and second class, the sum of two thousand four hundred dollars, in counties of the third class, the sum of three thousand dollars; of the fourth to the tenth classes inclusive, two thousand dollars; of the eleventh to the twentieth classes inclusive, one thousand eight hundred dollars; of the twenty-first to the thirtieth classes inclusive, one thousand five hundred dollars; of the thirty-first to the forty-eighth classes inclusive, one thousand two hundred dollars, and of the forty-ninth to the fifty-seventh classes inclusive, five hundred dollars

The salary of each of the county librarians here provided shall be paid by each of such counties in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. The county librarian and his assistant shall be allowed actual and necessary traveling expenses incurred on the business of the office. In the case of any conflict in the salaries provided for in this section nine, and those provided elsewhere in this act, or those which may be provided elsewhere by law, the salaries provided in this section nine shall be subordinate to and shall be controlled by the salaries elsewhere specified in this act or elsewhere specified by law, regardless of whether or not the other provisions of law have been enacted prior or subsequent to the enact-

ment of this amendment to said section nine [Amended by Stats. 1921, p 52.]

Sec 9a4. **Same; in counties of 4th class.** (San Diego) In counties of the fourth class the salary of the county librarian shall be four thousand dollars per annum [Added by Stats 1921, p 1463.]

Sec 9a5. **Same; in counties of the 5th class.** (Santa Clara) In counties of the fifth class, the salary of the county librarian shall be two thousand one hundred and ninety dollars per annum. [Amended by Stats. 1933, p.1718.]

Sec 9a6 **Same; in counties of the 6th class.** (Fresno) In counties of the sixth class, the salary of the county librarian shall be three thousand two hundred dollars per annum [Amended by Stats. 1933, p.596.]

Sec. 9a9. **Same; in counties of the 9th class.** (Orange) In counties of the ninth class the salary of the county librarian shall be one thousand seven hundred eighty-five dollars per annum, payable monthly as other county officers are paid

The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments, and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes [Amended by Stats. 1933, p 380]

Sec 9a12 **Same; in counties of the 12th class.** (Riverside) In counties of the twelfth class, the salary of the county librarian shall be one thousand eight hundred dollars per annum [Added by Stats. 1931, p.1998.]

Sec. 9a13 **Same; in counties of 13th class.** (Contra Costa) In counties of the thirteenth class the salary of the county librarian shall be two thousand seven hundred dollars per annum [Added by Stats 1921, p 603; Amended by Stats 1927, p.1953]

Sec 9a16 **Same; in counties of the 16th class.** (Santa Barbara) In counties of the sixteenth class the salary of the county librarian shall be one thousand eight hundred dollars per annum. [Added by Stats. 1931, p.862.]

Sec. 9a19 **Same; in counties of 19th class.** (Stanislaus) In counties of the nineteenth class, the salary of the county librarian shall be two thousand four hundred dollars per annum [Added by Stats 1921, p.1359.]

Sec 9a23 **Same; in counties of the 23rd class.** (Marin) In counties of the twenty-third class, the salary of the county librarian shall be two thousand one hundred dollars per annum [Added by Stats. 1931, p.862; Amended by Stats. 1933, p 863.]

Sec 9a25 **Same; in counties of the 25th class.** (Santa Cruz) In counties of the twenty-fifth class, the salary of the county librarian shall be one thousand five hundred dollars per annum [Added by Stats. 1931, p.869.]

Sec. 9a28 **Same; in counties of the 28th class.** (San Luis Obispo) In

counties of the twenty-eighth class, the salary of the county librarian shall be two thousand five hundred dollars per annum. [Added by Stats. 1931, p.861.]

Sec. 9a29. **Same; in counties of 29th class.** (Siskiyou) In counties of the twenty-ninth class the salary of the county librarian shall be one thousand two hundred dollars per annum. [Added by Stats. 1931, p.865; Amended by Stats. 1933, p 1599]

Sec. 9a30. **Same; in counties of 30th class.** (Kings) In counties of the thirtieth class the salary of the county librarian shall be two thousand dollars per annum. [Added by Stats 1921, p.936.]

Sec 9a31. **Same; in counties of 31st class.** (Placer) In counties of the thirty-first class the salary of the county librarian shall be one thousand five hundred dollars per annum. [Added by Stats. 1921, p.1092; Amended by Stats 1931, p 868.]

Sec. 9a33. **Same; in counties of 33rd class.** (Mendocino) In counties of the thirty-third class the salary of the county librarian shall be one thousand eight hundred dollars per annum [Added by Stats 1921, p.755, superseding section 9gg as added by Stats 1917, p 1610]

Sec 9a34 **Same; in counties of 22nd and 34th classes.** (Napa and Humboldt) In counties of the thirty-fourth class the salary of the county librarian shall be one thousand eight hundred dollars per annum In counties of the twenty-second class the salary of the county librarian shall be two thousand two hundred dollars per annum [Added by Stats 1921, p.685]

Sec 9a36. **Same; in counties of the 36th class.** (Sutter) In counties of the thirty-sixth class, the salary of the county librarian shall be one thousand eight hundred dollars per annum. [Added by Stats. 1921, p 1106; Amended by Stats 1931, p 1222, Stats. 1933, p 1748.]

Sec. 9a37. **Same; in counties of 37th class.** (Shasta) In counties of the thirty-seventh class the salary of the county librarian shall be one thousand eight hundred dollars per annum [Added by Stats 1931, p.864]

Sec. 9a38. **Same; in counties of 38th class.** (Tehama) In counties of the thirty-eighth class the salary of the county librarian shall be one thousand five hundred dollars per annum [Added by Stats. 1931, p.1145; Amended by Stats 1933, p 1173.]

Sec. 9a43. **Same; in counties of the 43rd class.** (Nevada) In counties of the forty-third class, the salary of the county librarian shall be one thousand five hundred dollars per annum. [Added by Stats. 1931, p.867.]

Sec. 9a44. **Same; in counties of 44th class.** (Colusa) In counties of the forty-fourth class the salary of the county librarian shall be one thousand eight hundred dollars per annum. [Added by Stats. 1921, p.1062.]

Sec. 9a50. **Same; in counties of the 50th class.** (Lake) In counties of the fiftieth class, the salary of the county librarian shall be five hundred

dollars per annum. [Added by Stats. 1921, p.1432; Amended by Stats. 1931, p.864.]

Sec. 9a52. Same; in counties of 52nd class. (Calaveras) In counties of the fifty-second class the salary of the county librarian shall be one thousand dollars per annum [Added by Stats. 1921, p.1061]

Sec. 9a53. Same; in counties of the 53rd class. (Del Norte) In counties of the fifty-third class, the salary of the county librarian shall be five hundred dollars per annum [Added by Stats. 1931, p.208.]

Sec. 9a54. Same; in counties of the 54th class. (Mauposa) In counties of the fifty-fourth class the salary of the county librarian shall be five hundred dollars per annum [Added by Stats. 1931, p.872.]

Sec. 9a55. Same; in counties of 55th class. (Trinity) In counties of the fifty-fifth class the salary of the county librarian shall be one thousand five hundred dollars per annum [Added by Stats. 1921, p.1065]

Sec. 9ff. Same; in counties of 32nd class. (Yolo) In counties of the thirty-second class the county librarian shall receive one thousand five hundred dollars per year [Amended by Stats. 1919, p.122]

Sec. 9ii. Same; in counties of 35th class. (Madera) In counties of the thirty-fifth class the salary of the county librarian shall be one thousand eight hundred dollars per annum [Added by Stats. 1919, p.123]

Sec. 9mm. Same; in counties of the 39th class. (Lassen) [Repealed by Stats. 1933, p.1246]

Sec. 9pp. Same; in counties of 42nd class. (Glenn) In counties of the forty-second class the county librarian shall receive one thousand eight hundred dollars per year, to be paid by such counties in equal monthly installments at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid, and shall also be allowed the actual and necessary traveling expenses incurred on the business of the office [Added by Stats. 1919, p.61]

Sec. 9tt. Same; in counties of 38th class. (Tehama) In counties of the thirty-eighth class the salary of the county librarian shall be one thousand eight hundred dollars per annum, to be paid by said counties in equal monthly installments at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid, said librarian shall also be allowed the actual and necessary traveling expenses incurred by him on business of the office [Added by Stats. 1921, p.238]

Sec. 10. Supervision of state librarian; convention of county librarians. The county free libraries of the state shall be under the general supervision of the state librarian, who shall from time to time, either personally or by one of his assistants, visit the county free libraries and inquire into their condition. The actual and necessary expenses of such visits shall be paid out of the state library fund. The state librarian shall annually call a convention of county librarians, to assemble at such time and place as he shall

deem most convenient, for the discussion of questions pertaining to the supervision and administration of the county free libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of the county free libraries as shall properly be brought before it. It is hereby made the duty of all the county librarians to attend and take part in the proceedings of such convention. The actual and necessary expenses of the county librarians attending the convention shall be paid out of the county free library fund.

Sec 11. Report. The county librarian shall, on or before the thirty-first day of July, in each year, report to the board of supervisors and to the state librarian on the condition of the county free library, for the year ending June thirtieth preceding. Such reports shall, in addition to other matters deemed expedient by the county librarian, contain such statistical and other information as may be deemed desirable by the state librarian. For this purpose the state librarian may send to the several county librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

Sec 12 Tax levy; bonds; gifts; funds; payment of claims. The board of supervisors, after a county free library has been established, shall annually levy, in the same manner and at the same time as other county taxes are levied, and in addition to all other taxes, a tax not to exceed one mill on the dollar of assessed valuation upon all property in such county outside of incorporated cities and towns maintaining free public libraries, and library districts maintaining district libraries, and upon all property within incorporated cities, town and library districts, which have elected to become a part of such county free library system as provided in this act, for the purpose of purchasing property for, establishing and maintaining the county free library. County bonds may be issued in the manner prescribed in section 4088 of the Political Code, for the erection and equipment of county free library buildings and the purchase of land therefor. The board of supervisors is authorized to receive, on behalf of the county, any gift, bequest or devise for the county free library, or for any branch or subdivision thereof. The title to all property belonging to the county free library shall be vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the tax herein provided. All funds of the county free library whether derived from taxation or otherwise, shall be in the custody of the county treasurer. They shall constitute a separate fund called the county free library fund, and shall not be used for any purposes except those of the county free library. Each claim against the county free library fund shall be authorized and approved by the county librarian, or in his absence from the county, by his assistant. It shall then be acted upon in the same manner as are all other claims against the county.

Sec 13 County law library. In any county of this state where a law library may now or hereafter exist under the provisions of sections 4190 to

4204, inclusive, of the Political Code of the state, the board of supervisors of such county shall have power to enter into contracts, or agreements with the board of law library trustees of such law library for the co-operation of said law library and the county free library, and, in that connection, to contract or agree with the board of law library trustees of such law library that the county librarian and other employees of the county free library perform the duties required to be done or performed by the officers and employees of such law library as contemplated by sections 4190 to 4204, inclusive, of the Political Code of this state, for a compensation to be named in such contract or agreement, the same to be paid into the county free library fund.

Sec. 14. School library. The board of supervisors shall have power to accept on behalf of the county free library, all books and other property of school libraries and of the teachers' library as provided by sections 1565, 1715 and 1716 of the Political Code, and to manage and maintain the same as a part of the county free library.

Sec. 15. Disestablishment of library. After a county free library has been established, it may be disestablished in the same manner as it was established. At least once a week for two successive weeks prior to taking such action, the board of supervisors shall publish, in a newspaper designated by them, and published in the county, notice of such contemplated action, giving therein the date of the meeting at which such contemplated action is proposed to be taken.

Sec 16 Contracts with city public library. Instead of establishing a separate county free library, the board of supervisors may enter into a contract according to the provisions of this section with the board of library trustees or other authority in charge of the free public library of any incorporated city or town, and the board of library trustees, or other authority in charge of such free public library, is hereby authorized to make such a contract. Such contract may provide that the free public library of such incorporated city or town shall assume the functions of a county free library within the county with which such contract is made, including incorporated cities and towns therein. The board of supervisors may agree to pay annually into the library fund of such incorporated city or town such sum as may be agreed upon. Either party to such contract may terminate the same by giving six months' notice of intention to do so.

Sec. 17 Act of April 12, 1909, repealed. An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict herewith, are hereby repealed, *provided, however*, that any county library which may have been established and is now in existence under the provisions of the act approved April 12, 1909, shall be continued under the provisions of this act, and be considered the same as if established under the provisions of this act; *and provided further*, that in any case where a contract has been entered into between any county board of su-

pervisors and any city or incorporated town under the provisions of section twelve of said act, the same shall continue in force, and the provisions of section sixteen of this act shall be applicable thereto, until the establishment and equipment of a county free library under the provisions of sections one to fifteen inclusive of this act, unless sooner terminated under the provisions thereof.

Sec. 4041.30. Furnishing of library service to inmates of institutions and county officers and employees; cost of service. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to provide library service at charitable, detention and penal institutions of the county under the supervision and control such boards of supervisors; also to provide to officers and employees of county departments such library service as may be required in the performance of their duties. All such service to be rendered through the county free library, the cost thereof to be a charge upon the county, payable out of the general fund. [Added by Stats 1939, ch 225]

(2) ALTERNATIVE METHOD OF MAINTENANCE

(California Pol Code, 1937, p 772, s 4041 18)

Sec. 4041.18 Buildings, powers as to; county free libraries; construction in excess of \$500; machinery. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the board of supervisors, in their respective counties, shall have the jurisdiction and powers to construct or lease, build or rebuild, furnish or refurnish or repair *** county free library building, branch library building, * * * and to provide all necessary officers, employees, attendants, and supplies for the proper maintenance of the same.

County free libraries. Provided, with respect to county free libraries that are now or may be hereafter maintained either under the provisions of this section or under the provisions of an act of the Legislature of the State of California entitled "An act to provide for the establishment and the maintenance of county free libraries," approved February 16, 1911, the provisions of said act shall control except as to section 12 thereof and said libraries shall be maintained under either the provisions of this section or said section 12 at the option of the board of supervisors.

Construction in excess of \$500. Whenever the cost of construction of any * * * county free library building, branch library building, * * * or the cost of any repairs thereto or furnishing thereof shall exceed the sum of five hundred dollars, such work shall be done by contract, and any contract therefor shall be void unless the same shall be let as hereinafter provided.

* * * * *

(2) **Machinery.** To purchase, acquire, construct, equip and maintain all necessary tanks, reservoirs, pumps, apparatus, motor vehicles and other

machinery necessary or proper to facilitate the performance of the work in the county. [Stats. 1935, p.1848.]

(3) SERVICE IN ANNEXED TERRITORIES

(California Gen. Laws, 1937, p.1355, Act2753, s.1.)

Sec. 1. **Service to area annexed by city.** Whenever any of the territory being served by a county free library shall be annexed to, or otherwise included within, any municipal corporation not served by such county free library, the board of supervisors of such county shall order the county free library to continue to serve such territory so annexed to, or otherwise included within said municipality, until the end of the fiscal year or years for which a tax has been levied upon the property of such annexed territory for the support of said county free library.

(4) COUNTY OFFICERS

(California Pol. Code, 1937, p.751, 788, s 4013 (17), (18), 4056d.)

Sec. 4013. **Officers of a county.** The officers of a county are: * * *

17. A county librarian;

18. Such other officers as may be provided by law. [Stats. 1921, p.242.]

4056d **Regulation of compensation of county and township officers, and number, appointment, term and compensation of deputies, etc.; existing laws continued in force as ordinances; power of legislature unaffected.** The board of supervisors of each county shall have the power and it shall be the duty of such board to regulate the compensation of all county or township officers, including justices of inferior courts, other than the board of supervisors, the district attorney, the auditor, and the judges of municipal courts, and to regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants and employees of the county.

Existing laws continued in force as ordinances. Except so far as they apply to boards of supervisors, district attorneys, grand and trial jurors, and auditors, all laws or parts of laws now in force establishing, regulating or otherwise affecting the salaries or compensation of county officers, and all laws or parts of laws now in force establishing, regulating or otherwise affecting the number, method of appointment, except as hereinafter provided terms of office or employment, and salaries or compensation of deputies, assistants and employees of the counties, are hereby continued in force and effect solely as ordinances of the respective counties to which they relate, and may be superseded, modified or otherwise affected by ordinances hereafter adopted in the respective counties and subject to the rights of initiative, referendum and recall as reserved to the electors of such counties.

Power of Legislature unaffected. This section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or any deputy or assistant, or to prescribe the method of appointment of any person so quali-

fied, and shall not govern or otherwise affect any existing provisions of law relating to the qualifications and method of appointment of any such officer, deputy or assistant [Added by Calif Stats 1933: 1674-1675, ch 643; validated by amendment of June 27, 1933, to Calif Const art. XI, s 5]

(5) BUTTE COUNTY FREE LIBRARY

(California Stats 1923 1559, res ch 21 (Butte county charter), art VIIa; Id 1933: 3235, 3236, 3237, res ch 121 (Butte county charter amds), art VIIa, s 2, art III, s 3, art IV, s 1, 3, 6)

Art. VIIa. County Free Library

Sec 1. There is hereby created a county free library which shall be in charge of the county librarian.

Sec. 2 The county librarian shall be appointed by the board of supervisors. [Calif. Stats 1933. 3237, res ch.121]

Sec 3 The county free library shall be maintained in accordance with an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, and all amendments thereto

Art. IV. County Officers

Sec. 1 County officers other than members of the Board of Supervisors shall be: * * * a County Librarian * * *

Sec. 3 All county officers except * * * the County Librarian * * * shall be elected in the manner provided by law

Sec 6 The annual salary of county officers shall be as follows, payable monthly, on the first Monday of each month, until changed as in this Charter provided

* * * * *

(m) The County Librarian Sixteen Hundred Twenty Dollars per annum:

* * * * *

[Calif. Stats. 1933: 3235, 3236, res ch 121]

Art. III. General Powers

Sec. 3 The Board of Supervisors shall fix the salaries and wages of all employees of the County not otherwise fixed by this Charter, provided.

* * * * *

(h) The County Librarian shall be allowed the sum of \$900 00 per annum for Assistants and \$2100.00 per annum for Custodians

* * * * *

[Calif Stats. 1933 : 3235, res. ch.121]

(6) SACRAMENTO COUNTY FREE LIBRARY

(California Stats 1933:3099, 3101, res. ch 72 (Sacramento county charter), s 26 and 35, Id 1937 2694, res ch 20 (Sacramento county charter amd), s.45-A)

Sec. 26. *** The Board of supervisors shall, subject to the provisions of this charter, appoint *** a county librarian ***

Sec 35. The annual compensation of the appointive officers of the County of Sacramento shall be fixed by ordinance of the Board of Supervisors, and shall not exceed the following amounts ·

	* * * * *	
County Librarian	\$2400 00
	* * * * *	

Sec 45-A **Civil Service Commission.**

* * * * *

(11) The appointing power shall appoint from the eligible civil service list, except as otherwise provided in this section, for either permanent or temporary service, all assistants, librarians, deputies, clerks, and attaches, as the number thereof is fixed, and from time to time changed by the Board of Supervisors; provided, that appointments to the unclassified service shall be made without reference to such eligible list

* * * * *

[Calif Stats. 1937 · 2694, res ch 20]

(7) **SAN MATEO COUNTY FREE LIBRARY**

(California Stats 1933 2964-2967, res ch 35 (San Mateo County charter), art VI, s c, 4, 12)

Art. VI. County Officers ***

Sec 3 *** Appointive county officers *** shall be those enumerated in sections 4 and 5 of this article, and those provided for by general law ***

Sec 4. *** The board of supervisors shall, subject to the provisions of this charter, appoint *** a librarian ***

Sec 12 *** The annual compensation to be fixed by the board of supervisors, as herein provided, shall not be less than *** \$2,400 for the librarian ***

NOTE County Librarians are not specifically mentioned in other county charters, but nevertheless they are more or less affected by various general provisions therein

(8) **COUNTY BUDGETS**

(California Stats 1937, p 633-641, ch 289)

F. UNION HIGH SCHOOL DISTRICT

(California School Code, 1937, p 466-475, s 6 590-6 601, 6 610-6.613, 6 620-6.624, 6 630-6 641, 6 650, 6 660-6 664, 6 670-6 671, 6 680-6 683, 6 690-6.696, 6 700-6 702, 6 710-6 711, 6 720-6 723, *Ibid* 1939 Suppl p 853, s.6.580)

Sec 6 570 **Power to establish and maintain.** Any union high school district of this state may establish, equip and maintain a public library for the dissemination of a knowledge of the arts, sciences, and general literature, in accordance with the provisions of this Chapter. [Enacted 1929]

Sec. 6 571. **Vesting of title to property.** The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of

its acquisition, or not otherwise designated, shall vest in the district in which such libraries are, or are to be, situated. [*Ibid.*]

Sec. 6.572. Library free to inhabitants of district; rules and regulations and their violation. Every union high school library established under the provisions of this Chapter shall be forever free to the inhabitants and non-resident taxpayers of the library district, subject always to such rules, regulations, and by-laws as may be made by the board of library trustees. For violations of the same a person may be fined or excluded from the privileges of the library. [*Ibid*]

Sec. 6.580. "Trustees," or "library trustees," "library," and "library districts," meaning. Where the words "trustees," or "library trustees" appear in this chapter, the same shall be construed to mean the regularly elected union high school trustees who reside within the library district, and where the words "library," "library district," or "library districts" appear in this chapter, the same shall be construed to mean "union high school library district," [Amended by Stats 1939, ch. 291]

Sec. 6.590. Petition of taxpayers; contents of petition; call for election; naming of election officers. Upon the application by petition, of fifty or more taxpayers and residents of any union high school district to the board of supervisors in the county in which the union high school district is located, praying for the formation of a library district, and setting forth the boundaries of the proposed district, the board of supervisors must, within ten days after receiving the petition, by resolution, order that an election be held in the proposed district for the determination of the question and shall appoint three qualified electors thereof to conduct the election

Sec 6.591 Manner of calling election; posting and publication of notice. The election shall be called by posting notices thereof in three of the most public places in the proposed library district, and by publication in a daily or weekly paper therein, if there be one, at least once a week for not less than fifteen days. The notices must specify the time, place, and the purpose of the election, and the hours during which the polls will be kept open [*Ibid.*]

Sec. 6.592 Polling hours. In districts with a population of ten thousand or over, the polls must be opened at eight o'clock A.M. and kept open until seven o'clock P.M., and in districts where the population is less than ten thousand the polls must not be opened before one o'clock P.M. and must be kept open not less than six hours. [*Ibid*]

Sec. 6.593. Conduct of election; ballots and mode of marking them. The election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For Union High School Library District," and the voter shall write or print after said words on his ballot the word "yes" or the word "no" [*Ibid.*]

Sec 6.594 Persons entitled to vote. Every qualified elector, resident

within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. [*Ibid.*]

Sec. 6.595. Report of result of election. It shall be the duty of the election officers to report the result of the election to the board of supervisors within five days subsequent to the holding thereof. [*Ibid.*]

Sec. 6.596. Establishment required on two-thirds vote. If two-thirds of the votes cast at the election shall be in favor of a union high school library district, the said board of supervisors must, by resolution, establish the library district, and place the district in the control of the trustees of the union high school district. [*Ibid.*]

Sec. 6.597. Proceedings to be entered on minutes; effect of entries as evidence. The fact of the presentation of the petition and the order establishing the library district shall be entered on the minutes of the board of supervisors, and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this Article, and of the existence and validity of the district [*Ibid.*]

Sec. 6.598. Designation of district. Every library district must be designated by the name and style of ". . . library district (using the name of the district) of . . . county (using the name of the county in which the district is situated)." A number must not be used as a part of the designation of any library district. [*Ibid.*]

Sec. 6.599. Trustees may sue and hold property in name of district. In the name of the library district, the trustees may sue and be sued, and may hold and convey property for the use and benefit of the district. [*Ibid.*]

Sec. 6.600. Terms of trustees. The trustees in whose control the library district has been placed shall severally hold office during the term for which they shall have been elected as trustees of the union high school district. [*Ibid.*]

Sec. 6.601. Project defeated if one-third of votes cast oppose it; time for new petition. If one-third of the votes cast in the election shall be against a library district, the board of supervisors shall, by order, so declare and no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition. [*Ibid.*]

Sec. 6.610. When dissolution authorized; vote required. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by the library trustees upon the question of dissolution. [*Ibid.*]

Sec. 6.611. Calling and conduct of election. The election shall be called and conducted in the same manner as other elections of the district. [*Ibid.*]

Sec. 6.612. Vesting of property upon dissolution. Upon dissolution, the

property of the district shall vest in any union high school district in which the library is situated. [*Ibid.*]

Sec. 6613. District property liable for bonded debt after dissolution; supervisors required to levy taxes. If at the time of the election to dissolve the district, there be any outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of the indebtedness. From the time the district is so dissolved until the bonded indebtedness, with the interest thereon, is fully paid, satisfied and discharged, the board of supervisors is hereby constituted ex officio the library board of the district. It is hereby made obligatory upon said board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of the indebtedness and the interest thereon as provided in this Article. [*Ibid.*]

Sec. 6620. Time and place of meetings. Boards of library trustees shall meet at least once a month, at such time and place as they may fix by resolution. [*Ibid.*]

Sec. 6621. Calling of special meetings; service of notice. Special meetings may be called at any time by two trustees, by written notices served upon each member at least twelve hours before the time specified for the meeting. [*Ibid.*]

Sec. 6622. Quorum. Three members shall constitute a quorum for the transaction of business. [*Ibid.*]

Sec. 6623. Organization of board; terms of officers. At its first meeting held after the first day of July the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified. [*Ibid.*]

Sec. 6624. Board to keep record of its proceedings; filing of certificate of establishment. Such board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees of any library district formed under the provisions of this Chapter it must immediately cause to be made out and filed with the state librarian at Sacramento a certificate showing that such library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year. [*Ibid.*]

Sec. 6630. Powers and duties of board generally. The board of library trustees, and their successors, shall be authorized and they are hereby empowered, and it shall be their duty to perform the duties prescribed in this Article. [*Ibid.*]

Sec. 6631. Making and enforcement of rules and regulations. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto. [*Ibid.*]

Sec. 6.632 Administration of trusts and holding of property. To administer any trust declared or created for such libraries and to receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries [*Ibid.*]

Sec. 6.633. Appointment of assistants; prescriptions of duties; fixation of compensation. To prescribe the duties and powers of the librarian, secretary, and other officers and employees of any such libraries; to determine the number of and appoint all such officers and employees, and fix their compensation, which said officers and employees shall hold their offices and positions at the pleasure of said boards [*Ibid.*]

Sec. 6.634. Purchase of books, etc. To purchase necessary books, journals, publications and other personal property [*Ibid.*]

Sec. 6.635 Purchase of real property and construction of buildings. To purchase such real property, and erect or rent and equip such building or buildings, room or rooms, as in their judgment may be necessary to properly carry out the provisions of this Chapter [*Ibid.*]

Sec. 6.636. Procurement of copies of laws, reports, etc. To require the secretary of state and other officials to furnish such libraries with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law [*Ibid.*]

Sec. 6.637. Borrowing and exchanging of books. To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as the board may prescribe [*Ibid.*]

Sec. 6.638 Other matters. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this Chapter [*Ibid.*]

Sec. 6.639. Annual report to state librarian. To file through their secretary on or before the last day in the month of July of each year, a report with the state librarian at Sacramento, giving the condition of their library and the number of volumes contained therein on the thirtieth day of June preceding [*Ibid.*]

Sec. 6.640. Designation of library hours. To designate the hours during which the library shall be open for the use of the public [*Ibid.*]

Sec. 6.641 Hours to be reasonable; lending contracts. All public libraries established under the provisions of this Chapter, shall be open for the use of the public at all reasonable times

Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties, in which public libraries are situated, may contract to lend the books of such libraries to residents of such counties or neighboring municipalities, or library districts, upon a reasonable com-

pensation to be paid by such counties, neighboring municipalities, or library districts. [*Ibid.*]

Sec. 6 650 Time to submit estimate; subject-matters. In any library district formed under the provisions of this Chapter, which is now maintaining a public library, or which shall have petitioned for and has been granted permission to establish, and intends to maintain, a public library in accordance with this Chapter, it shall be the duty of the board of library trustees therein to furnish to the board of supervisors of the county wherein said library district is situated, each and every year, on or before the first day of September, an estimate of the cost of leasing temporary quarters; purchasing a suitable lot; of procuring plans and specifications and erecting a suitable building; of furnishing and equipping the same, and of fencing and ornamenting the grounds for the accommodation of the public library, and of conducting and maintaining the same for the ensuing fiscal year or for any or all of said purposes [*Ibid.*]

Sec. 6 660. Duty of supervisors to make levy. When the estimate provided for in Article VII [s 6 650] of this Chapter shall have been submitted to the board of supervisors of any county in which a library district has been established, the said board of supervisors must, at the time of levying county taxes, levy a special tax upon all taxable property within the limits of the said library district [*Ibid.*]

Sec. 6 661. Amount of tax. The tax levied must be sufficient in amount to maintain the said union high school library, or to purchase the site, erect and equip the building, improve the grounds or building or for any or all of the purposes enumerated in Article VII of this Chapter. [*Ibid.*]

Sec. 6.662. Computation, entry and collection. The taxes so levied shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered and collected [*Ibid.*]

Sec. 6 663. Disposition of tax revenue, etc., generally. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district wherein said tax was collected, subject only to the order of the library trustees of said district. [*Ibid.*]

Sec 6.664 Same; when terms of gift, etc., forbid payment into treasury. If such payment into the treasury should be inconsistent with the terms or conditions of any such gift, devise, or bequest the board of library trustees shall provide for the safety and preservation of the same and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise, or bequest. [*Ibid.*]

Sec. 6.670. Power to call; petition of taxpayers; questions to be submitted. The board of trustees of any union high school library district may, when in their judgment it is deemed advisable, and must, upon a petition of fifty or more taxpayers and residents of said library district, call an election

and submit to the electors of the district, whether the bonds of such district shall be issued and sold for the purpose of raising money for the purchase of suitable lots, of procuring plans and specifications and of erecting a suitable building, of furnishing and equipping the same and of fencing and ornamenting the grounds, for the accommodation of the union high school library, or for any or all of the said purposes or for any or all of the purposes of this Chapter; for liquidating any indebtedness incurred for said purposes, and for refunding any outstanding valid indebtedness evidenced by bonds or warrants of the district. [*Ibid.*]

Sec. 6.671. Power to call; petition of taxpayers; purpose of proceedings. The board of library trustees, may, when in its judgment it is deemed advisable, and upon the petition of fifty or more taxpayers residing within said library district must, call an election and submit to the electors of the said library district whether the bonds of said library district shall be issued and sold for any or all of the purposes of this Chapter. [*Ibid.*]

Sec. 6.680 Polling hours. The polls must be opened during the election from eight A.M., to five P.M. [*Ibid.*]

Sec. 6.681. Manner of voting; form of ballot; mode of marking; disposition. Voting must be by ballot (without reference to the general election law in regard to form of ballot, or manner of voting), except that the words to appear on the ballot shall be "Bonds—Yes" and "Bonds—No," and except further, that persons voting at such bond election shall put a cross (X) upon their ballot with pencil or ink, after the words "Bonds—Yes" or "Bonds—No," as the case may be, to indicate whether they have voted for or against the issuance of the bonds, which said ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the same in the ballot box, and the judges shall enter the elector's name on the poll list. [*Ibid.*]

Sec 6.682 Board to canvass returns. On the seventh day after the election, at eight o'clock P.M., the returns having been made to the board of trustees, the board must meet and canvass said returns. [*Ibid.*]

Sec. 6.683. Entry of vote if issuance favored by two-thirds; certification of proceedings. If it appears that two-thirds of the votes cast at the election were in favor of issuing such bonds, then the board shall cause an entry of such fact to be made upon its minutes and shall certify to the board of supervisors of the county all the proceedings had in the premises [*Ibid.*]

Sec. 6.690 Supervisors to issue bonds; recitals. After the provisions of Article X of this Chapter have been complied with the board of supervisors shall be and they are hereby authorized and directed to issue the bonds of said district, to the number and amount provided in such proceedings, payable out of the building fund of such district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district, for the redemption of said bonds and the payment of the interest thereon. [*Ibid.*]

Sec. 6.691 Limitation on bond total. The total amount of bonds so issued, shall not exceed five per cent of the taxable property of said district, as shown by the last equalized assessment book of the county [*Ibid.*]

Sec. 6.692 Maximum interest rate. Said bonds must not bear a greater amount of interest than six per cent, said interest to be payable annually or semi-annually. [*Ibid.*]

Sec. 6.693. Supervisors to prescribe form of bonds. The board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds and of the interest coupons attached thereto. [*Ibid.*]

Sec. 6.694. Fixation of time for payment; maximum term. The board of supervisors by an order entered upon its minutes must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof [*Ibid.*]

Sec. 6.695 Manner of sale; sale below par forbidden. Said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par [*Ibid.*]

Sec. 6.696 Disposition of proceeds of sale; authorized disbursements. The proceeds of the sale of the bonds must be deposited in the county treasury to the credit of the building fund of said library district, and be drawn out for the purposes enumerated in Article IX of this Chapter as other library moneys are drawn out. [*Ibid.*]

Sec. 6.700 Duty of supervisors to levy. The board of supervisors, at the time of making a levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, at the equalized assessed value thereof for that year, for the interest and redemption of said bonds [*Ibid.*]

Sec. 6.701 Amount of tax. Such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon, and, during the balance of the term, high enough to pay such annual interest, and to pay annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years of said bonds then have to run. [*Ibid.*]

Sec. 6.702 Disposition of tax revenues. All moneys so levied, when collected, shall be paid into the county treasury to the credit of the said library district, and be used for the payment of principal and interest on said bonds, and for no other purpose [*Ibid.*]

Sec. 6.710. Treasurer to make payment on auditors' warrant. The principal and interest on said bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor [*Ibid.*]

Sec. 6.711 Cancellation and filing of paid bonds and coupons. It shall be

the duty of the county auditor to cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid [*Ibid.*]

Sec. 6720. Petition to cancel bonds unsold for six months. Whenever any bonds issued under the provisions of this Chapter shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the board of trustees of the library district for or on account of which said bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of such bonds, was embraced within the district for or on account of which such bonds were issued, may petition the board of supervisors to cause such unsold bonds to be withdrawn from market and canceled. [*Ibid.*]

Sec. 6721 Hearing on petition and notice thereof. Upon receiving such petition, signed by a majority of the members of said board of trustees, the supervisors shall fix a time for hearing the same, which shall not be more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing in some newspaper published in said library district, if there is one, and if there is no newspaper published in said library district, then in a newspaper published at the county seat of the county in which said library district or part thereof is situated [*Ibid.*]

Sec. 6722. Proceedings at hearing; order of cancellation. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they shall deem it for the best interests of the library district named in the petition that such unsold bonds be cancelled, they shall make and enter an order in the minutes of their proceedings that said unsold bonds be cancelled [*Ibid.*]

Sec. 6723 Cancelled bonds invalid Thereupon said bonds and the vote by which they were authorized to be issued, shall cease to be of any validity whatever [*Ibid.*]

G. MUNICIPAL LIBRARIES

(1) MUNICIPALITY LIBRARY ACT

(California Gen Laws, 1937, p 1335-1338, Act 2749, s 1-13)

Sec. 1 Authority to Establish. The common council, board of trustees, or other legislative body of any incorporated city or town in the State of California, may, and upon being requested to do so by one-fourth of the electors of such municipal corporation in the manner hereinafter provided, must, by ordinance, establish in and for said municipality a public library; *provided*, there be none already established therein

Sec. 2 Petitions. The request referred to in the preceding section may be by a single petition, or by several petitions, *provided*, that such several

petitions be substantially in the same form, and that such single petition has, or such several petitions in the aggregate have, the signatures of the requisite number of electors.

Sec. 3. Board of trustees. Such public library shall be managed by a board designated as the board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees or other executive head of the municipality, by and with the consent of the legislative body of said municipality. Such trustees shall severally hold office for three years, serving without compensation; *provided*, that the members of the first board appointed shall so classify themselves by lot that one of their number shall get out of office at the end of the current fiscal year, two at the end of one year thereafter, and the other two at the end of two years thereafter. Men and women shall be equally eligible to such an appointment, and vacancies shall be filled by appointment for the unexpired term in the same manner.

Sec. 4. Meetings of board Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. Such boards shall appoint one of their number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem. Such boards shall cause a proper record of their proceedings to be kept.

Sec. 5. Powers of board. Boards of library trustees shall have power

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto.

Second—To administer any trust declared or created for such libraries, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries.

Third—To prescribe the duties and powers of the librarian, secretary and other officers and employees of any such libraries, to determine the number of and appoint all such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said board.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such buildings or building, rooms or room, as may be necessary, when in their judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for such libraries.

Sixth—To require the secretary of state and other state officials to fur-

nish such libraries with copies of any and all reports, laws and other publications of the state not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act

Sec. 6. **Annual reports.** Boards of library trustees shall, on or before the last day of July in each year, make a report to the legislative body of their municipality, giving the condition of the library on the thirtieth day of June preceding, together with a statement of their proceedings for the year then ended, and forward a copy thereof to the state library at Sacramento. [Stats. 1909, p.825]

Sec 7 **Annual tax levy.** The legislative body of any municipality in which a public library has been established in accordance with this act, shall in making the annual tax levy and as part thereof, if the maintenance of the library has not been otherwise provided for, levy a tax for the purpose of maintaining such library and purchasing property necessary therefor, which tax shall be in addition to other taxes, the levy of which is permitted in the municipality; *provided*, that after two years from the establishment of new libraries thereunder, where a maintenance corresponding thereto, has not been otherwise provided, in municipalities of the first, second and third classes, such tax levy shall not exceed two mills on the dollar of assessed valuation, and in municipalities of the fourth, fifth and sixth classes, such levy shall not exceed three mills on the dollar of assessed valuation. [Amended by Stats. 1909, p 825.]

Sec. 8. **Disposition of revenue.** The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be apportioned to a fund to be designated the library fund, and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest. Payments from this fund shall be made upon warrants issued after due audit by, and an order from, the library trustees, which warrants shall be signed by the president and secretary of said board of library trustees. The treasurer of the municipality shall pay such warrants without any further order or warrant from any other authority. [Amended by Stats. 1909, p.825.]

Sec. 9. **Library to be free.** Every library established under this act shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by boards of library trustees; *and provided*, that for violations of the

same a person may be fined or excluded from the privileges of the library.

Sec. 10. Lending of books. Boards of library trustees and the legislative bodies of neighboring municipalities or boards of supervisors of the counties in which public libraries are situated, may contract for lending the books of such libraries to residents of such counties or neighboring municipalities, upon a reasonable compensation to be paid by such counties or neighboring municipalities

Sec. 11. Title to property. The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the municipalities in which such libraries are, or are to be, situated, and in the name of the municipal corporations may be sued for and defended by action at law or otherwise

Sec. 12. Act of 1880 repealed. An act entitled "An act to establish free public libraries and reading rooms," approved April twenty-six, eighteen hundred and eighty, is hereby repealed, *provided*, that as to existing libraries this act is to be deemed a continuation thereof and such libraries shall be governed hereby accordingly, *provided, however*, that this act shall have no application to any library established or governed by the provisions of a city charter, and the provisions of any city charter shall in no manner be affected by this act

Sec. 13 Disestablishment of library. Any ordinance establishing a library adopted under the provisions of section one of this act must be repealed by the body which adopted the same upon being requested to do so by fifty-one per cent of the electors of such municipal corporations, as shown by the great register then in force, and upon the repeal of such ordinance such library shall be disestablished in such municipal corporation [Amended by Stats 1909, p 826.]

(2) CITIES OF THE SIXTH CLASS

(California Stats 1935, p 2069, 2071, ch 1737, § 862 15)

Sec 862 The council of said city shall have power .

* * * * *

862 15 To acquire, own, construct, maintain and operate * * * public libraries * * *

(3) ACQUIREMENT OF LIBRARY SITES

(California Stats., 1911 ex, p 17, ch 12)

Sec. 1 Acquirement of land. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to acquire by condemnation any land situate in such municipality for public park, public playground, or public library purposes.

(4) ALAMEDA PUBLIC LIBRARY

(Calif Stats., 1917, p 1767-1769, res ch 13 [Alameda charter], art 5, ch.2)

(5) ALBANY PUBLIC LIBRARY

(Calif. Stats., 1927, p 2321, res. ch 53 [Albany charter], s 23)

(6) ALHAMBRA PUBLIC LIBRARY

(Calif Stats., 1915, p 1775-1776, res ch 19 [Alhambra charter], s 99-100)

(7) BAKERSFIELD PUBLIC LIBRARY

(Calif Stats., 1915, p 1566, 1586, res ch 4 [Bakersfield charter], s 57, 157)

(8) BERKELEY PUBLIC LIBRARY

(Calif Stat., 1909, p 1230, 1243, res ch 17 [Berkeley charter], s 47 [1], 58;
Id., 1923, p 1544, res ch 20 [Berkeley charter amds], s 30)

(9) BURBANK PUBLIC LIBRARY

(Calif Stats., 1933, p 2994-2995, res ch 37 [Burbank charter], s 34)

(10) CHICO PUBLIC LIBRARY

(Calif Stats., 1923, p 1458-1459, res ch 12 [Chico charter], s 86-90)

(11) COMPTON PUBLIC LIBRARY

(Calif Stats., 1925, p 1235, res ch 20 [Compton charter], art 16)

(12) EUREKA PUBLIC LIBRARY

(Calif Stats., 1895, p 398, res ch.5 [Eureka charter], s 164-166)

(13) GLENDALE PUBLIC LIBRARY

(Calif Stats., 1921, p.2227-2228, res ch 71 [Glendale charter], art 13)

(14) GRASS VALLEY PUBLIC LIBRARY

(Calif Stats., 1921, p 1903, res ch.9 [Grass Valley charter], art 8)

(15) HUNTINGTON BEACH PUBLIC LIBRARY

(Calif Stats 1937 2990, res ch 98 (Huntington Beach charter), art VIII, s 3)

(16) INGLEWOOD PUBLIC LIBRARY

(Calif Stats., 1927, p 2242, res ch 28 [Inglewood charter], art 27)

(17) LONG BEACH PUBLIC LIBRARY

(Calif Stats., 1921, p.2114-2115, res ch 32 [Long Beach charter], s 194-202)

(18) LOS ANGELES PUBLIC LIBRARY

(Calif Stats., 1925, p 1080-1081, res ch 5 [Los Angeles city charter], s 157-162)

Sec 157. Library department, powers and duties. The Library Department shall have the power and duty.

(1) To manage and control the libraries, branch libraries and reading rooms of the City of Los Angeles;

(2) To establish, maintain and operate a central library, branch libraries and reading rooms within or without the city, and to acquire and take by purchase, lease, condemnation, gift, in trust, or otherwise, and to hold

for the city, any and all property necessary or convenient for such purposes.

Sec. 158. Appropriation. For the financial support of the Library Department there is hereby appropriated an annual sum of not less than seven cents (7c) on each one hundred dollars (\$100.00) of assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations above referred to, or received by the Library Department from fines, sales, gifts or otherwise in connection with the operation of the Library, shall be placed to the credit of the Library Department in a fund to be known as the Library Fund. No money in the Library Fund shall be used for any purpose other than the financial support of the Library Department.

Sec 159. Same; expenditures. The Board of Library Commissioners shall have power to control and order, in the manner in this charter provided, the expenditures of all money coming into the Library Fund or from the sale of bonds authorized by the city for financing the work of the Library Department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Library Fund.

Sec. 160. City librarian. The general manager of the Library Department shall be known as the City Librarian

Sec 161. Same; employees, removal of. The City Librarian shall have power to suspend or remove any officer or employee in the Library Department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said Board of Library Commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing, such suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the board shall reinstate him in such position; and if in the case of suspension, the board, after such investi-

gation, shall find in writing that the grounds stated were insufficient, or were not sustained, the board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 162. Library sites. No real property shall be acquired by the city for library sites unless such sites are first approved by the Board of Library Commissioners. Said board shall have full control over all library sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

Sec. 111½. Civil service. Notwithstanding other provisions of this charter to the contrary, the following offices and positions are hereby placed under the classified civil service provisions of this charter:

The general managers of the following departments:

* * * * *

Library

* * * * *

The first and second assistant librarians and the heads of the several departments in the Public Library.

* * * * *

- (b) The provisions of this section shall not apply to the removal, discharge or suspension of officers, members and employees in the Police Department, in the Fire Department, and in the Library Department, but the officers, members and employees in said departments, respectively, shall be subject to removal, discharge and suspension as provided elsewhere in this charter

(19) MODESTO PUBLIC LIBRARY

(Calif Stats., 1911, p.1497, 1521, res. ch 13 [Modesto charter], s 4 [6], 52)

(20) MONTEREY PUBLIC LIBRARY

(Calif Stats., 1925, p.1313, 1317, res ch.32 [Monterey charter], s 52, 63)

(21) NAPA PUBLIC LIBRARY

(Calif. Stats., 1915, p.1623-1625, res ch.6 [Napa charter], s 128-136)

(22) OAKLAND PUBLIC LIBRARY

(Calif Stats, 1911, p 1595, 1597, res ch 20 [Oakland charter], s.52-53, 55; Id, 1925, p 1414-1415, res. ch 77 [Oakland charter amdts.], s.54; Id, 1931, p.2662; Res ch 9 [Oakland charter amdts.], s.53)

(23) OROVILLE PUBLIC LIBRARY

(Calif. Stats. 1933, 2925, res. ch 22 [Oroville charter] art. 23, s.2)

(24) PACIFIC GROVE PUBLIC LIBRARY

(Calif. Stats., 1927, p.2348, 2352, res. ch 54 [Pacific Grove charter], s 50, 60)

(25) PASADENA PUBLIC LIBRARY

(Calif. Stats., 1901, p 927-929, res ch 11 [Pasadena charter], art 17; Id., 1927, p.2002-2003, res. ch 8 [Pasadena charter amdts.], art 22, s6)

(26) PETALUMA PUBLIC LIBRARY

(Calif Stats , 1911, p 1834-1835, res. ch.39 [Petaluma charter], art 10)

(27) PIEDMONT PUBLIC LIBRARY

(Calif Stats , 1923, p 1573, 1576, res ch 24 [Piedmont charter], s.23, 37)

(28) POMONA PUBLIC LIBRARY

(Calif. Stats , 1911, p 1939-1940, 1945, res ch 45 [Pomona charter], s 84-88, 120)

(29) PORTERVILLE PUBLIC LIBRARY

(Calif. Stats , 1927, p 2192, 2196, res ch 27 [Porterville charter], s 44, 56, Id 1935, 2542, res ch 66 [Porterville charter amdts], s 44 (c))

(30) REDONDO BEACH PUBLIC LIBRARY

(Calif Stats 1935, p 2459, 2491, res ch 37 [Redondo Beach charter], art 3, s 4 (14), art 24)

(31) REDWOOD PUBLIC LIBRARY

(Calif. Stats , 1929, p 2187, res ch 37 [Redwood charter], s 18)

(32) RIVERSIDE PUBLIC LIBRARY

(Calif Stats , 1929, p.2140-2144, 2160-2161, res ch 33 [Riverside charter], s 121-133, 211)

(33) ROSEVILLE PUBLIC LIBRARY

(Calif Stats 1935, p 2583-2584, 2595, res ch 77 [Roseville charter], art 6 s 1-2, art 15)

(34) SACRAMENTO PUBLIC LIBRARY

(Calif Stats , 1921, p 1960-1961, res ch 10 [Sacramento city charter], s 130-135)

(35) SALINAS PUBLIC LIBRARY

(Calif Stats., 1919, p 1409, res ch 9 [Salinas charter], s 47-48)

(36) SAN BERNARDINO PUBLIC LIBRARY

(Calif Stats , 1905, p 964, 965, 973, 975, res. ch 15 [San Bernardino city charter], s 143-144, 148, 205-212)

(37) SAN BUENAVENTURA PUBLIC LIBRARY

(Calif Stats 1933, p 2879, 2890, res ch 21 [San Buenaventura charter amdts], art 7, s 5(5), art 16)

(38) SAN DIEGO PUBLIC LIBRARY

(Calif Stats , 1931, p 1833, res ch.47, [San Diego city charter], s.63)

(39) SAN FRANCISCO PUBLIC LIBRARY

(Calif Stats , 1931, p 3004, 3025, 3097, 3101, res ch 56 [San Fransico charter, 1931] s 43, 78, 203, 207)

Sec. 43. Library department. The library department shall be under the management of a library commission consisting of eleven members who shall be appointed by the mayor and shall serve without compensation.

The eleven library trustees constituting the board of library trustees in office at the time this charter shall go into effect shall, by lot, classify their respective terms of office so that three of such terms shall begin at twelve o'clock noon on the fifteenth day of January, 1932, 1933 and 1934, respectively, and two such terms shall begin at twelve o'clock noon on the fifteenth day of January, 1935. The term of each commissioner shall be four years, at the expiration of which the mayor shall appoint his successor.

The library commission shall appoint a librarian and a secretary who shall hold office at its pleasure. The librarian shall be the chief executive of the department. He shall appoint, and at his pleasure may discipline and remove, all employees of the library department.

The library commission shall be the successors in office of the board of library trustees holding office at the time this charter shall go into effect and shall have all of the powers and duties thereof, except as in this charter otherwise provided.

Sec 78 City tax levies, Library tax. * * * The tax levy shall not exceed the rate of one dollar and sixty-five cents (\$1 65) on each one hundred dollars (\$100) valuation of the property assessed in and subject to taxation by the city and county, exclusive of the following items; * * * (2) the cost of constructing, maintaining and improving * * *

(b) libraries, which tax shall be not less than four cents on each one hundred dollars * * *

Sec 203 Borough, Library board. The council may provide, by ordinance, for a borough library board of five members. The ordinance shall provide for the qualifications, manner of appointment, terms and compensation of the members of such board, but no compensation shall be paid to any member unless the ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon.

The borough library board shall have control and management of the borough library and the funds provided for same and shall have power to make such rules and regulations as necessary for the conduct of its affairs, but the treasurer of the city and county shall have custody of such funds.

Sec 207 Borough tax subventions. For those boroughs which shall within their own boundaries perform municipal functions concerned with the maintenance of streets, sewers, parks, libraries, and playgrounds, which would otherwise be the municipal obligation of the city and county, the board of supervisors shall by ordinance provide for a system of subventions to such boroughs from tax funds of the city and county, provided that in no event shall such subvention to any borough in any one fiscal year either exceed the amount which such borough shall appropriate out of borough funds in that year for such municipal functions, or exceed the

amount which the city and county shall raise in that year by city and county taxes for similar municipal purposes of the city and county upon the assessed valuation of taxable property within such borough. Such system of subventions may be modified from time to time by the board of supervisors by ordinance, but all ordinances providing for such a system shall apply generally to all boroughs

(40) SAN JOSE PUBLIC LIBRARY

(Calif Stats, 1915, p 1907, res ch 49 [San Jose charter], s120-123)

(41) SAN LEANDRO PUBLIC LIBRARY

(Calif Stats, 1933 3215-3216, res ch 119 [San Leandro charter], art 16)

(42) SAN LUIS OBISPO PUBLIC LIBRARY

(Calif Stats, 1911, p 1709, res ch 26 [San Luis Obispo charter], s.43 [1])

(43) SAN MATEO PUBLIC LIBRARY

(Calif Stats, 1923, p.1286, 1290, res ch 4 [San Mateo charter], s 24, 37)

(44) SAN RAFAEL PUBLIC LIBRARY

(Calif. Stats, 1913, p.1588-1590, res. ch 28 [San Rafael charter], art 9)

(45) SANTA BARBARA PUBLIC LIBRARY

(Calif Stats, 1927, p 2085, res. ch 14 [Santa Barbara charter], s.91)

(46) SANTA CLARA PUBLIC LIBRARY

(Calif. Stats, 1927, p 2278-2279, res ch.32 [Santa Clara charter], art 8)

(47) SANTA CRUZ PUBLIC LIBRARY

(Calif. Stats, 1911, p.1889, 1895, 1897, res. ch 44 [Santa Cruz charter], s.136, 167, 176)

(48) SANTA MONICA PUBLIC LIBRARY

(Calif Stats., 1907, p 1014, 1032-1034, 1041, res ch.6 [Santa Monica charter], art 2, s 1 [11], art 9, art 13, s 4; id., 1927, p 2300-2301, res ch 44 [Santa Monica charter amdt.], art. 3, s 3A)

(49) SANTA ROSA PUBLIC LIBRARY

(Calif Stats, 1923, p 1309, res. ch.6 [Santa Rosa charter], s 26)

(50) STOCKTON PUBLIC LIBRARY

(Calif. Stats, 1923, p 1367-1368, res ch 7 [Stockton charter], art. 18)

(51) TULARE PUBLIC LIBRARY

(Calif. Stats., 1923, p 1523, res ch 14 [Tulare charter], s.59)

(52) VALLEJO PUBLIC LIBRARY

(Calif Stats, 1911, p 1981, 1982, 2000, res. ch.46 [Vallejo charter], s 47 [5], 58)

(53) VENTURA

See San Buenaventura.

(54) VISALIA PUBLIC LIBRARY

(Calif. Stats., 1923, p 1486, 1489-1490, res ch.13 [Visalia charter], art. 11, s 12, art. 13)

(55) WATSONVILLE PUBLIC LIBRARY

(Calif. Stats., 1903, p 670, 672, 673, res ch 18 [Watsonville charter], art 9, s 1, art. 13, s 1, 3-7; id, 1925, p 1254-1255, res. ch. 22 [Watsonville charter amdts], art. 13, s.2)

H. UNINCORPORATED TOWNS LIBRARY ACT

(California Gen Laws, 1937, v 1, p 1347-1355, Act 2751, s 1-39)

Sec 1. Authority to establish. Any unincorporated town or village of this state may establish, equip and maintain a public library for the dissemination of a knowledge of the arts, sciences and general literature, in accordance with the provisions of this act.

Sec. 2. Manner of establishment. Upon the application, by petition, of fifty or more taxpayers and residents of said town or village to the board of supervisors in the county in which said town or village is located, praying for the formation of a library district, and setting forth the boundaries of the said proposed district, the said board of supervisors must, within ten days after receiving said petition, by resolution, order that an election be held in the said proposed district for the determination of the question and shall appoint three qualified electors thereof to conduct said election.

Sec. 3. Calling of election. Said election shall be called by posting notice thereof in three of the most public places in said proposed library district, and by publication in a daily or weekly paper therein, if there be one, at least once a week for not less than fifteen days. Said notices must specify the time, place, and the purposes of said election, and the hours during which the polls will be kept open; *provided*, that in districts with a population of ten thousand or over, the polls must be opened at eight o'clock A.M., and kept open until seven o'clock P.M., and in districts where the population is less than ten thousand, the polls must not be opened before one o'clock P.M., and must be kept open not less than six hours.

Sec 4 Conduct of election. Said election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For library district," and the voter shall write or print after said words on his ballot the word "Yes," or the word "No."

Sec. 5. Qualifications of electors. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for.

Sec. 6. Return of result. It shall be the duty of the election officers to report the result of said election to the board of supervisors within five days subsequent to the holding thereof.

Sec. 7. Appointment of trustees. If a majority of the votes at said election shall be in favor of a library district, the said board of supervisors must, by resolution, establish said library district, and must appoint three trustees, who must be qualified electors and residents within the limits of the proposed library district, to be known and called a board of library trustees, of the town or village for which they are appointed. Such trustees shall severally hold office for three years from the first day of July next succeeding their election and until their successors are elected and qualified, serving without compensation, *provided, however*, that the members of the first board appointed shall be so classified by the board of supervisors at the time of their appointment, that one of their number shall go out of office on the thirtieth day of June next succeeding his appointment, one at the end of one year thereafter, and the other one at the end of two years thereafter. Vacancies shall be filled by the board of supervisors by appointment for the unexpired term.

Sec. 8. Proceedings if proposition be defeated. If a majority of the votes cast shall be against a library district, the board of supervisors shall, by order, so declare, no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Sec. 9. Facts establishing the validity of district. The fact of the presentation of the petition, and the order establishing the library district and making the appointment of the three library trustees, shall be entered in the minutes of the board of supervisors and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this act, and of the existence and validity of the district.

Sec. 10. Meetings of trustees. Boards of library trustees shall meet at least once a month at such time and place as they may fix by resolution. Special meetings may be called at any time by two trustees, by written notices served upon each member at least twelve hours before the time specified for the meeting. Two members shall constitute a quorum for the transaction of business. At its first meeting held after the first day of July the board shall organize by electing one of its number president, and another one of its number secretary, they shall serve as such for one year or until their successors are elected and qualified. Such board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees of any library formed under the provisions of this act, it must immediately cause to be made out and filed with the state librarian at Sacramento a certificate showing that such library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

Sec. 11. Powers and duties of trustees. The board of library trustees

so appointed by the said board of supervisors, and their successors, shall be authorized and they are hereby empowered, and it shall be their duty:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto

Second—To administer any trust declared or created for such libraries, and receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries

Third—To prescribe the duties and powers of the librarian, secretary, and other officers and employees of any such libraries, to determine the number of and appoint all such officers and employees, and fix their compensation, which said officers and employees shall hold their offices and positions at the pleasure of said boards

Fourth—To purchase necessary books, journals, publications, and other personal property

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as in their judgment may be necessary to properly carry out the provisions of this act

Sixth—To require the secretary of state and other state officials to furnish such libraries with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law

Seventh—To borrow books from, lend books to, and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as the board may prescribe

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

Ninth—To file, through their secretary, on or before the last day in the month of July of each year, a report with the state librarian at Sacramento giving the condition of their library and the number of volumes contained therein on the thirtieth day of June preceding

Tenth—To designate the hours during which the library shall be open for the use of the public, *provided, however*, that all public libraries established under the provisions of this act, shall be open for the use of the public during every day in the year

Sec 12 Estimates of cost. In any library district formed under the provisions of this act, which is now maintaining a public library, or which shall have petitioned for and has been granted permission to establish, and intends to maintain a public library in accordance with this act, it shall be the duty of the board of library trustees therein to furnish to the board of supervisors of the county wherein said library district is situated, each and every year, on or before the first day of September, an estimate of the cost of leasing temporary quarters, purchasing a suitable lot, of procuring plans and specifications and erecting a suitable building, of furnishing and equip-

ping the same, and of fencing and ornamenting the grounds, for the accommodation of the public library, and of conducting and maintaining the same for the ensuing fiscal year, or for any or all of said purposes; *provided, however*, that the board of library trustees, may, when in its judgment it is deemed advisable, and upon the petition of fifty or more taxpayers residing within said library district, must, call an election and submit to the electors of the said library district whether the bonds of said library district shall be issued and sold for any or all of the purposes of this act.

Sec. 13 Special tax levy. When such estimate shall have been submitted to the board of supervisors of any county in which a public library district has been established, the said board of supervisors must, at the time of levying county taxes, levy a special tax upon all of the taxable property within the limits of the said library district, sufficient in amount to maintain the said public library, or to purchase the site, erect and equip the building, improve the grounds or building, or for any or all of the purposes of this act. The taxes so levied shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered and collected

Sec 14 Disposition of revenue: unpaid warrants. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purpose of the library, shall be paid into the county treasury to the credit of the library fund of the district wherein said tax was collected, subject only to order of the library trustees of said district. If such payment into the treasury should be inconsistent with the terms or conditions of any such gift, devise or bequest, the board of library trustees shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest

Upon the receipt by the county auditor of an order of the library trustees of the district he shall issue his warrant upon the county treasurer for the amount stated in such order. When any such warrant is presented to the treasurer for payment, and the same is not paid for want of funds the treasurer must endorse thereon "not paid for want of funds" with the date of presentation and sign his name thereto and from that time the warrant shall bear interest at the rate of six per cent per annum, until the warrant is paid or until funds are available for the payment of the same and the county treasurer gives notice to the warrant holder that funds are available for such payment. The giving of such notice shall be deemed complete upon the deposit thereof in the United States mail in a sealed envelope addressed to the warrant holder at the address of the latter given by him at the time of presentation of the warrant to the treasurer, with postage thereon fully prepaid and registered. [Calif. Stats., 1931:2002-2003, ch.998]

Sec 15 Library to be free. Every library established under the provisions of this act shall be forever free to the inhabitants and non-resident

taxpayers of the library district, subject always to such rules, regulations, and by laws as may be made by the board of library trustees; *also provided*, that for violations of the same a person may be fined or excluded from the privileges of the library.

Sec. 16. Lending of books. Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of such libraries to residents of such counties or neighboring municipalities, or library districts, upon a reasonable compensation to be paid by such counties, neighboring municipalities, or library districts.

Sec. 17 Title to library property. The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of its acquisition, or not otherwise designated, shall vest in the district in which such libraries are, or are to be situated. Every library district must be designated by the name and style of library district (using the name of the district), of county (using the name of the county in which said district is situated); and in that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of such district. A number must not be used as a part of the designation of any library district.

Sec. 18 Election for trustees. An election for library trustee must be held in each library district, annually, at the public library, if there is one, and if there is none, at the place to be designated by the board of trustees, for the election of one library trustee, who shall hold office for three years dating from the first day of July next succeeding his election, or until his successor shall be elected, or appointed and qualified.

Sec 19 Number of trustees. The number of library trustees for any library district established under the provisions of this act, shall be three.

Sec 20 Notices of election. Not less than ten days before the election required in section eighteen of this act, the trustees must post notices in three public places in the district, one of which places shall be the public library, which notices must specify the time and place of election, and the hours during which the polls will be kept open, if within five days of holding the election the trustees have failed to post the notices required under this section, then any three electors of the district may give notice.

Sec. 21 Conduct of election. Boards of trustees must appoint one inspector and two judges to conduct the said election, if none are so appointed, or, if those appointed are not present at the opening of the polls, the electors present may appoint them, and they shall conduct the election. Any member of the board of library trustees is hereby qualified to administer the oath and swear in the election officers.

Sec. 22. Opening and closing of polls. In library districts with a population of ten thousand or over, the polls must be open at eight o'clock A.M.,

and kept open until seven o'clock P M , in districts where the population is less than ten thousand the polls must not be opened before one o'clock P.M., and must be kept open not less than six hours

Sec. 23. Qualifications of electors. Every elector, resident of the library district, who is a qualified elector of the county, and who is registered in the district where the election is held at least thirty days before the election, may vote thereat

Sec 24 Voting. Voting must be by ballot (without reference to the general election law in regard to nominations, form of ballot, or manner of voting), which shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the same in the ballot box, and the judges shall enter the elector's name on the poll list

Sec. 25. Challenges. Any person offering to vote may be challenged by any elector of the district, and the judges of election must thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this state one year, in this county ninety days, and in this library district thirty days preceding this election, and that your name is on the great register of this county and was on the great register of a precinct of this library district at least thirty days before this election, and that you have not before voted this day " If he takes the oath prescribed in this section, his vote must be received, otherwise his vote must be rejected

Sec 26 Poll-lists. A poll and tally list must be kept and must be returned to the board of library trustees

Sec. 27. Canvass of votes The officers of election must publicly canvass the votes immediately after closing the polls, and make, sign, and deliver certificates of election to the person elected, which must, with the oath of office of the person so elected attached, be forwarded to the county clerk and filed in his office

Sec 28 Bond elections The board of trustees of any library district may, when in their judgment it is deemed advisable, and must, upon a petition of fifty or more taxpayers and residents of said library district, call an election and submit to the electors of the district, whether the bonds of such district shall be issued and sold for the purpose of raising money for the purchase of suitable lots, of procuring plans and specifications and of erecting a suitable building, of furnishing and equipping the same, and of fencing and ornamenting the grounds, for the accommodation of the public library, or for any or all of the said purposes, or for any or all of the purposes of this act; for liquidating any indebtedness incurred for said purposes, and for refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

Sec. 29 Notice of election. Such election must be called by posting notices, signed by the board, in three of the most public places in the district,

for not less than twenty days before the election, and if there is a newspaper published in the district, or if not, a newspaper published in the county, by publishing such notice therein not less than once a week for three successive weeks.

Sec. 30 What notice must contain.

1. Time and place of holding such election;
- 2 The names of inspectors and judges to conduct the same,
3. The hours during the day in which the polls will be open.
4. The amount and denomination of the bonds, the rate of interest and the number of years, not exceeding forty, the whole or any part of said bonds are to run

Sec. 31 Conduct of elections. The election shall be conducted in accordance with the provisions of sections twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, of this act, in so far as they are applicable to the election for bonds

Sec 32 Voting. Voting must be by ballot (without reference to the general election law in regard to form of ballot, or manner of voting), except that the words to appear on the ballot shall be, "Bonds—Yes," and "Bonds—No," and except further, that persons voting at such bond election shall put a cross (X) upon their ballots, with pencil or ink, after the words "Bonds—Yes," or "Bonds—No," (as the case may be) to indicate whether they have voted for or against the issuance of the bonds, which said ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the same in the ballot box, and the judges shall enter the elector's name on the poll list

Sec 33. Canvass of returns; amount of bonds. On the seventh day after said election, at eight o'clock P M, the returns having been made to the board of trustees, the board must meet and canvass said returns, and if it appears that two-thirds of the votes cast at said election were cast in favor of issuing such bonds, then the board shall cause an entry of such fact to be made upon its minutes and shall certify to the board of supervisors of the county, all the proceedings had in the premises, and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of said district, to the number and amount provided in such proceedings, payable out of the building fund of said district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds and the payment of the interest thereon, *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of said district, as shown by the last equalized assessment book of the county [Calif Stats, 1911, p.343-344, ch 172]

Sec. 34. Form of bonds. The board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the time when the whole or any

part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof.

Sec. 35. Interest. Said bonds must not bear a greater amount of interest than six per cent, said interest to be payable annually or semi-annually; and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said library district, and be drawn out for the purposes aforesaid as other library moneys are drawn out

Sec. 36. Tax levy, for interest and redemption. The board of supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, at the equalized assessed value thereof for that year, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay such annual interest, and to pay, annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run, and all moneys so levied, when collected, shall be paid into the county treasury to the credit of the said library district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor, and it shall be the duty of the county auditor to cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

Sec. 37. Disposition of unsold bonds. Whenever any bonds issued under the provisions of this act shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the board of trustees of the library district for or on account of which said bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of such bonds, was embraced within the district for or on account of which such bonds were issued, may petition the board of supervisors to cause such unsold bonds to be withdrawn from market and cancelled. Upon receiving such petition, signed by a majority of the members of said board of trustees, the supervisors shall fix a time for hearing the same, which shall be not more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said library district, if there is one,

and if there is no newspaper published in said library district, then in a newspaper published at the county seat of the county in which said library district or part thereof is situated. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they shall deem it for the best interests of the library district named in the petition that such unsold bonds be cancelled, they shall make and enter an order in the minutes of their proceedings that said unsold bonds be cancelled, and thereupon said bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

Sec. 38. Dissolution of district. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by the library trustees of such district, upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, the property of the district shall vest in any incorporated town or city that may at such time be in occupation of a major portion of the territory of such library district and including within its town or city limits the property and buildings wherein the library is situated, and if there be no such incorporated town or city, then the property shall be vested in the board of supervisors of the county until the formation of such a town or city; *provided, however*, that if, at the time of such election to dissolve such district, there be any outstanding bonded indebtedness of such district, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such indebtedness; and from the time such district is thus dissolved until such bonded indebtedness, with the interest thereon, is fully paid, satisfied and discharged, the legislative authority of such incorporated town or city, or the board of supervisors, if there be no such incorporated town or city, is hereby constituted ex officio the library board of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, as herein provided.

Sec. 39. Conflicting acts repealed. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

I. INCORPORATED LIBRARIES

(California Civil Code, 1941, p 257-266, 288-289, s 593-605e, 653ab-653ag)

Sec. 604. Issuance of membership certificates; necessity for statement of nonprofit character; corporations entitled to issue stock. A nonprofit corporation, excepting a corporation meeting the requirements prescribed in Section 330 25, shall not issue shares of stock, but membership in such corporations may be evidenced by certificates. Upon the face of such certificates there must be printed in clear type a statement that the corpora-

tion is not one for profit Nonprofit corporations meeting the requirements prescribed by Section 330 25 may issue either shares of stock, or membership in such corporations, which shares of stock or membership may be evidenced by certificates. [Am Stats 1941, ch 629, s 3]

Sec 605dd Dissolution of incorporated subordinate body by surrender or revocation of charter; disposition of property; requisites Whenever the charter of a subordinate body which has been incorporated pursuant to the provisions of this article is surrendered to or taken away or revoked by the head or national body granting it, the subordinate body shall dissolve and the property of and obligations owed to the subordinate body shall be delivered to the head or national body and disposed of in accordance with the laws of the head or national body The subordinate body must first pay its debts and obligations or make adequate provision therefor, and may collect the obligations owed to it and may sell the property which is not designed for the exclusive use of the organization, but the proceeds realized must be delivered to the head or national body [Added by Stats 1939, p 1262]

Sec 593 Formation and purposes. A nonprofit corporation may be formed by any number of persons, not less than three, for any lawful purposes such as religious, charitable, social, educational, recreational, cemetery or for rendering services, which do not contemplate the distribution of gains, profits or dividends to the members thereof, and for which individuals lawfully may associate themselves, subject to laws and regulations applicable to particular classes of nonprofit corporations or lines of activity. The carrying on of business at a profit incidental to the main purposes of the corporation and the distribution of assets to members on dissolution shall not be deemed forbidden to nonprofit corporations. [Added by Stats 1931, p.1847.]

Sec 593a. Health service corporations; prerequisites to commencement of business; supervision A nonprofit corporation may be formed under this article for the purposes of defraying or assuming the cost of professional services of licentiates under any chapter of Division 2 of the Business and Professions Code or of rendering any such services but it may not engage directly or indirectly in the performance of the corporate purposes or objects unless

(1) At least one-fourth of all licentiates of the particular profession become members;

(2) Membership in the corporation and an opportunity to render professional services upon a uniform basis is available to all licensed members of the particular profession.

(3) Voting by proxy and cumulative voting are prohibited; and

(4) A certificate has been issued to the corporation by the particular professional board, whose licentiates have become members, finding compliance with the foregoing requirements.

Any such nonprofit corporation shall be subject to supervision by the particular professional board under which its members are licensed and shall also be subject to the provisions of Section 605c of this code. This section, except as expressly permitted herein, does not authorize the formation of any corporation for the purpose of rendering the professional services regulated by Division 2 of the Business and Professions Code [Added by Stats 1941, ch 629, s.1.]

Sec 594 Incorporation of unincorporated associations. A nonprofit corporation may be formed for the purpose of incorporating an existing unincorporated association. As used herein the term unincorporated association shall signify and include society, library, school, college, club, church, trustees of a charitable trust, Chamber of Commerce or any other unincorporated association or organization. [Added by Stats 1931, p 1848]

Sec 594.5 Incorporation of subordinate body of national unincorporated association, etc. A nonprofit corporation may be formed for the purpose of incorporating any existing or hereafter organized subordinate body instituted or created under the authority of any head or national association, lodge, order, beneficial association, or fraternal or beneficial society, labor union, foundation, federation, or any other society, organization or association. The fact that the head or national body is unincorporated shall not prevent the incorporation of the subordinate body.

The rules governing the incorporation and operation of unincorporated associations shall govern the incorporation of any subordinate body.

The seal of the subordinate body shall be its corporate seal [Added by Stats 1939, p 1262]

Sec 595 Articles of incorporation; contents. The articles of incorporation shall state

- 1 The name of the corporation
- 2 The purposes for which it is formed and that is a corporation which does not contemplate pecuniary gain or profit to the members thereof
- 3 The county in this state where the principal office for the transaction of business of the corporation is to be located.
- 4 The names and addresses of three or more persons who are to act in the capacity of directors until the selection of their successors and who may be given such titles as may be deemed appropriate, but who shall be subject to all laws of this state relating to directors except as otherwise in this title provided. The number of persons so named shall constitute the number of directors of the corporation, until changed by an amendment to the articles or by a by-law adopted pursuant to authority contained in the articles
- 5 The authorized number and qualifications of its members, the different classes of membership, if any, the property, voting and other rights and privileges of each class of membership, and the liability of each or all classes to dues or assessments and the method of collection thereof, may be set forth either in the articles or in the by-laws

6. The name of the existing unincorporated association, if any, which is being incorporated.

7 If desired, any lawful provision for the regulation of the affairs of such corporation, including restrictions upon the power to amend all or any part of the articles of incorporation. [Added by Stats. 1931, p.1848.]

Sec. 596. Articles-Execution and filing. 1. The persons who are to act in the capacity of first directors must subscribe the articles of incorporation, and the signatures of any other persons desiring to associate with said persons for the purpose of forming such corporation may also be subscribed thereto, and such execution shall be acknowledged before an officer designated by the laws of this state as one before whom an acknowledgement may be made. Any other signatures to the articles must be acknowledged in the same manner. Any certificate of acknowledgment taken without the state must be authenticated by the certificate of an officer having the requisite official knowledge of the qualification of the officer before whom the acknowledgement was made.

2 **Unincorporated associations.** In the case of the incorporation of an unincorporated association which has a presiding officer, president or other head, and a secretary or an acting secretary, clerk, scribe or other similar officer, the articles of incorporation need be subscribed and acknowledged only by such officers, and there shall be attached thereto an affidavit by said officers that such association has duly authorized its incorporation, and that the officers have executed the articles by authority of such association

3. **Submission of articles.** The articles shall be submitted to the secretary of state for filing in his office and if they conform to law he shall file the same and place thereon an indorsement of the date of filing

4 **Name.** The secretary of state shall not file articles of incorporation which set forth a name which is likely to mislead the public or which is the same as or resembles so closely as to tend to deceive,

- (1) The name of a domestic corporation; or
- (2) The name of a foreign corporation which is authorized to transact business in this state; or
- (3) A name which is under reservation with the secretary of state for another corporation

The use by a corporation of a name in violation of this section may be enjoined, notwithstanding that its articles may have been filed by the secretary of state.

5. **Filing of copy of articles.** A copy of the articles certified by the secretary of state and bearing the indorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office.

6. **Effect of filing.** When filed, the articles or certified copies thereof shall have the same force and effect in evidence as do the properly certified articles of a stock corporation [Added by Stats. 1931, p.1848.]

Sec. 597. Duration and powers. Upon the filing of the articles by the secretary of the state the corporation shall be created and shall continue to exist perpetually, unless otherwise provided by law, and shall possess the following powers:

1. To sue and be sued;
- 2 To contract and be contracted with;
3. To receive property by devise or bequest, subject to the laws regulating the transfer of property by will, and to otherwise acquire and hold property, real or personal, including shares of stock, bonds and securities of other corporations
4. To act as trustee under any trust incidental to the principal objects of the corporation, and to receive, hold, administer, and expend funds and property subject to such trust;
- 5 To convey, exchange, lease, mortgage, encumber, transfer upon trust or otherwise dispose of all property, real or personal;
- 6 To borrow money, contract debts, and issue bonds, notes, and debentures, and secure the same;
7. To do all other acts necessary or expedient for the administration of the affairs and attainment of the purposes of the corporation. [Added by Stats 1931, p 1849.]

Sec. 598. By-laws. By-laws may be adopted, amended or repealed

- (1) by any means provided in the articles or by-laws;
- (2) by the directors, subject always to the power of the members to change or repeal such by-laws;
- (3) by the vote or written assent of a majority of the members entitled to vote, or the vote of a majority of a quorum at a meeting duly called for the purpose according to the articles or by-laws.

By-laws; recordation; contents. All by-laws shall be recorded in a book which shall be kept in the principal office of the corporation and may contain, among other things, provisions for,

1 The time and manner of calling, giving notice of and conducting regular and special meetings of members or directors, which may be held outside the state The by-laws may dispense with notice of all regular members' and directors' meetings

2. The place of holding such meetings.

3. The requirements of a quorum of directors or members, which may be greater or less than a majority.

4. The admission, election, appointment, withdrawal, suspension and expulsion of members.

5. The transfer, forfeiture and termination of membership, and whether the property interest of members shall cease at their death or the termination of membership and the mode of ascertaining the property interest, if any, at death or the termination of membership

6. The number, time and manner of choosing, qualifications, terms of

office, official designations, powers, duties, and compensation of the directors and other officers; the making of annual reports and financial statements to the members.

7 The manner of voting by members and whether cumulative voting and proxy voting shall be allowed

8 The appointment and authority of executives or other committees of the board of directors

9 The qualifications of members and different classes of memberships, and the property voting and other rights, interests or privileges of each class

10 The fees of admission, transfer fees, dues and assessments to be paid by members or different classes of members and the methods of collection thereof Such dues or assessments or both may be authorized to be levied upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership, and memberships of one or more classes may be made exempt from either dues or assessments or both

Collection of dues and assessments. The amount and method of collection of such dues or assessments or both may be fixed in the articles or by-laws, or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods as the directors may prescribe They may be enforceable by action or by the sale or forfeiture of membership, or both, upon reasonable notice [Added by Stats, 1931, p 1850]

Sec 599 Directors. Except as otherwise provided by the articles of incorporation or the by-laws, the powers of a nonprofit corporation shall be exercised, its property controlled and its affairs conducted by a board of not less than three persons herein referred to as directors The articles or by-laws may provide for the number and tenure of office of the directors and may specify their powers, duties, compensation and the manner in which they shall be chosen

Unless otherwise provided in the articles or by-laws, any vacancy in the board of directors caused by death, resignation or any disability shall be filled by a majority of the remaining members thereof, though less than a quorum [Added by Stats, 1931, p 1851]

Sec 600 Members; membership book. A nonprofit corporation shall have such memberships or classes thereof as may be specified in the articles or by-laws, but unless otherwise provided there shall be but one class of members whose rights and interests shall be equal

Where neither the articles nor by-laws of a nonprofit corporation heretofore or hereafter incorporated provide for members thereof as such, and in any case in which any nonprofit corporation has, in fact, no members, other than the persons constituting its board of directors, by whatever name they may be called, the persons for the time being constituting its

governing body or board shall, for the purpose of any statutory provision or rule of law relating to nonprofit corporations, be taken to be the members of such corporation and exercise all the rights and powers of members thereof.

The corporation shall keep a membership book containing the name and address of each member and in any case where membership has been terminated such fact shall be recorded in the book, together with the date on which the membership ceased [Added by Stats 1931, p 1851]

Sec 601 Members; reduction below stated number. Whenever the members of a nonprofit corporation having a stated number of members shall be reduced below such number by death, withdrawal or otherwise, the corporation shall not on that account be dissolved, but it shall be lawful for the surviving or continuing members, or member, to fill vacancies and continue the corporate existence, unless it is otherwise provided in the articles or by-laws [Added by Stats. 1931, p 1851]

Sec. 602 Membership; termination and transfer thereof. Memberships may be terminated in the manner provided in the articles or by-laws and unless otherwise provided therein or secured under the law under which the corporation was formed, all the rights of a member in the corporation, or in its property, shall cease on death or other termination of his membership

No member may transfer his membership or any right arising therefrom, unless it is so provided in the articles or by-laws [Added by Stats 1931, p 1851.]

Sec 603 Voting. Unless otherwise provided in the articles or by-laws every member of a nonprofit corporation shall be entitled to one vote and may vote or act by proxy The manner of voting may be by ballot, mail or any reasonable means provided in the articles or by-laws No member may cumulate his votes unless it is so provided in the articles or by-laws [Added by Stats 1931, p 1852]

Sec. 604 Issuance of membership certificates; necessity for statement of nonprofit character; corporations entitled to issue stock. A nonprofit corporation shall not issue shares of stock, but membership in such corporation may be evidenced by certificates Upon the face of such certificates there must be printed in clear type a statement that the corporation is not one for profit [Added by Stats 1931, p 1852, Am Stats 1941, ch 629, s 3]

Sec 605 Liability of directors and members. Neither the members nor directors of a nonprofit corporation shall be personally liable for the debts, liabilities or obligations of the corporation. [Added by Stats 1931, p 1852]

Sec. 605a Meetings. Meetings of members or directors of nonprofit corporations shall be called and held as may be ordered by the directors, or as may be provided in the articles or by-laws [Added by Stats 1931, p 1852.]

Sec 605b. Incorporation of unincorporated associations. If an unincorporated association is incorporated hereunder, the members thereof

shall be members of the corporation so created, unless they file their dissent in writing with the secretary thereof. [Added by Stats 1931, p.1852.]

Sec. 605c. Supervision by attorney general. A nonprofit corporation which holds property subject to any public or charitable trust shall be subject at all times to examination on behalf of the state to ascertain the conditions of its affairs and to what extent, if at all, it may fail to comply with trusts which it has assumed or may depart from the general purposes for which it is formed. Such right of examination shall pertain ex-officio to the attorney general. In case of any such failure or departure, the attorney general shall institute, in the name of the state, the proceedings necessary to correct the same. [Added by Stats. 1931 ; p 1852.]

Sec. 605d. Application of this title and of the general corporation law. A nonprofit corporation may amend its articles, or dispose of all or substantially all its assets, or it may be dissolved and/or wound up in the same manner and with the same effect as a stock corporation under the general corporation law existing at the time thereof.

Application of general nonprofit corporation law. The provisions of article one of this title, which shall be known as the general nonprofit corporation law, shall extend to all nonprofit corporations now existing or hereafter formed, so far as applicable, unless there be a special statutory provision in relation to any class thereof inconsistent with the provisions of this title, in which case the special provisions shall prevail.

Terms. The provisions of the general corporation law, title one of part four of division first of the Civil Code, as now existing or as hereafter amended, substituted revised or added to, shall apply to corporations formed under this title, except as to matters specifically covered by this title. For this purpose the term "shareholder" or "holder of shares" shall include "member," and the term "shares" or "shares of stock" shall include memberships in nonprofit corporations. [Added by Stats 1931, p 1852.]

Sec. 605e. Disposition of assets on dissolution; assets held on trust. Upon the dissolution or winding up of a nonprofit corporation, after paying or adequately providing for the debts and obligations of the corporation, the directors or persons in charge of the liquidation shall divide any remaining assets among the members in accordance with their respective rights therein; provided, however, that if the corporation holds its assets on any trust, such assets shall be disposed of in such manner as may be directed by decree of the superior court of the county in which the dissolved corporation had its principal office, upon petition filed for that purpose by the Attorney General or any party concerned in the liquidation. The provisions of this section shall not apply where the charter of a subordinate body which has been incorporated is surrendered to or taken away or revoked by the head or national body. [Am. Stats. 1939, p.1262.]

Sec. 653ab. Incorporation of libraries. Three or more persons may incorporate under this title for the purpose of establishing a library, to be con-

ducted without pecuniary profit. The articles of incorporation shall state that the corporation is formed under this title but otherwise shall contain the statements required by section 593. [Amended by Stats. 1929, p.1286.]

Sec. 653ac Powers and organization of library corporations. Such corporation shall not issue capital stock and its business shall not be carried on for profit. It shall have the capacity and right to receive and take any gift, bequest, devise or conveyance of property either as grantee for its own use or as trustee and to be or be made the beneficiary of the trust. The trustees or directors of any such corporation shall compose its members and shall have control and management of its affairs and property. Said trustees or directors shall elect officers of the corporation from their number, fill by election vacancies occurring in their own number by death, incapacity, retirement or otherwise, subject to the approval of the commissioner of corporations of the State of California, and may fix the charges to be paid by persons using the property and quarters of the corporation [Calif. Stats. 1931, p.154. Ch.114.]

Sec 653ad. Powers. Each corporation incorporated under the provisions of this title shall have the powers granted by the provisions of this code and other laws of California relating to private corporations, which are not inconsistent with those granted by this title, and shall also have the following powers:

(1) To appoint such agents and officers as its business may require, which may be either persons or corporations, and to employ such persons as may be necessary in the conduct of its affairs.

(2) To purchase, lease or otherwise acquire, hold, own and enjoy, to sell, lease, mortgage and otherwise encumber and dispose of any, all and every kind of real or personal property, including stock in other corporations, subject to the terms and conditions of bequests, donations and gifts whenever the same apply; also to carry on any and all operations necessary or convenient in connection with the transaction of any of its business; to make contracts, borrow money, issue bonds, debentures, promissory notes, or other obligations and secure the same. No such corporation shall sell, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue until it shall have first applied for and secured from the commissioner of corporations a permit authorizing it so to do, and complied with all the terms and conditions of the corporate securities act, approved May 18, 1917, as amended and as the same may be amended from time to time. All provisions of said corporate securities act are hereby made applicable to and binding upon corporations incorporated under this title. [Calif. Stats., 1927, p.1324.]

Sec. 653ae By-laws. Each corporation incorporated under this title, must, within one month after filing articles of incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title. The vote or written assent of a majority of the

trustees or directors shall be necessary to adopt such by-laws. The provisions of section 303 and section 304 of this code, which are not inconsistent with the provisions of this title, shall apply to said by-laws. Each corporation organized hereunder may also provide in its by-laws for the following matters:

(1) The manner of removal of any one or more of its trustees or directors, and of filling all vacancies in the board of trustees or directors.

(2) The terms and conditions under which bequests, donations and gifts will be accepted, and the manner in which the same will be administered.

(3) The method of fixing charges, if any, for the use of the property of the corporation, and the uses to which the same may be put [Calif. Stats., 1927, p 1324-1325]

Sec. 653af **Quo warranto proceedings.** The right of a corporation claiming to be organized and incorporated and carrying on its business under this title, to do and continue its business, may be inquired into by quo warranto proceedings at the suit of the attorney general and not otherwise [Calif. Stats., 1927, p 1325]

Sec. 653ag **Approval of articles.** The articles of incorporation shall not be accepted for filing by the secretary of state without the endorsement upon them of the approval of the commissioner of corporations and the attorney general. Such approval shall be given where it appears to the commissioner of corporations and the attorney general that it is sought to organize the proposed corporation in good faith and shall be refused where such does not appear [Calif. Stats., 1927, p 1325.]

J. SCHOOL LIBRARIES

(1) GENERAL PROVISIONS

(California School Code, 1937, p 461-466, s 6 500-6 502, 6 510-6 512, 6 520-6 523, 6 530, 6 532-6 535, 6 540-6 544, 6 550-6 555, 6 560-6 562, *Ibid* 1939 Suppl. p 853, s 6 531)

Sec. 6 500 **Authority of boards.** Libraries may be maintained under the control of the district board of trustees or city board of education (Enacted 1929)

Sec. 6 501 **Persons entitled to use library.** Such libraries shall be open to the use of the teachers, pupils and all residents of the district [*Ibid*]

Sec. 6 502 **Library to be kept open on nonschool days.** Whenever practicable, the library shall be kept open during vacation and nonschool days [*Ibid*]

Sec. 6 510 **Power to adopt list of books and apparatus.** County boards of education have power to adopt a list of books and apparatus for district school libraries [*Ibid*]

Sec. 6 511 **Right to exclude sectarian and partisan publications.** Boards of school trustees and city boards of education have power to exclude from

schools and school libraries all books, publications, or papers of a sectarian, partisan or denominational character [*Ibid*]

Sec 6.512. **Marking ownership on books; procurance of stamp.** The trustees of each district shall cause each book now in their district school library, or that may be hereafter placed in said library, to be stamped on the flyleaf, on the title page, and on each one hundredth page of the book, with the words "Department of Public Instruction, State of California, . . . County . . . District Library" The county superintendent is hereby authorized and instructed to procure such stamp for each district in his county, and to pay for the same out of the county school fund of such district [*Ibid.*]

Sec 6 520 **Power to appoint librarian.** The school trustees of a district maintaining its own library shall have power to appoint a teacher or other proper person librarian of the district library [*Ibid*]

Sec 6 521 **Duties of librarian.** It shall be the duty of the librarian to manage such library as efficiently as possible, and whenever expedient request the advice and assistance of some person experienced in the art of managing libraries. [*Ibid*]

Sec 6 522 **Trustees' responsibilities and powers; fees, fines and regulations.** The trustees shall be held accountable for the proper care and preservation of the library, and shall have power to assess and collect all fines, penalties, and fees of membership and to make all needful rules and regulations not provided for by the state board of education, and not inconsistent therewith [*Ibid*]

Sec 6 523 **Annual report of trustees to superintendent.** [Repealed]
[Enacted 1929, Amended by Stats 1931, p 2016, Repealed by Stats 1937, p 528.]

Sec 6 530 **Agreement to become branch of county library.** Whenever the county in which a district is situated shall maintain a county library, the board of school trustees or city board of education may agree with the proper authorities of such county to make the school library a branch of such county library. [*Ibid*]

Sec 6 531. **Consummation of agreement; turn over of books and funds; use of funds and books; disposal of unfit books and materials** When the school library becomes a branch of the county library as herein provided, the board of school trustees or city board of education shall turn over the books and other property of the district library to the county library, and shall annually transfer to such county library its library fund, as soon as it is available The said county library shall thereafter make such district library a branch library, managed and maintained according to the rules and regulations established by the authorities of the county library.

All funds transferred to a county library under the provisions of this article shall be used by the county library only for the acquisition of such

books and other materials as may have been adopted by the body authorized to adopt courses of study for the school districts of the county and for the care and distribution of such books and other materials to school libraries which are branches of the county library.

The county librarian may at his discretion dispose of books and other materials no longer fit for service and may with the approval of the county board of education dispose of any books or other materials no longer needed by the course of study. [As amended by Stats. 1939, ch.395]

Sec. 6.532. Agreement to become branch of city library. In any city conducting a public library owned and managed by such city, the board of school trustees or city board of education of such city may enter into an arrangement with the governing body of the public library of said city similar to the arrangement authorized by this Article between such school trustees or board of education and such county library. [*Ibid.*]

Sec. 6.533 Provision for marking books inapplicable after affiliation. Whenever a district library shall have become a branch library, as provided in this Article, the provisions of this Chapter relating to the stamping of library books and the care and preservation of the library shall not apply to them. [*Ibid.*]

Sec. 6.534. Manner of transferring district library funds to county library. Whenever a district library shall have become a branch library the county, or city, or county and city superintendent of schools may draw a warrant for the whole amount of the district library fund, payable to the proper authorities of the county library, upon the filing with him of a copy of the resolution of the board of trustees of the district, or city board of education, embodying the agreement made with such county library, which copy shall be duly certified as correct by the clerk of the district or other proper officer. [*Ibid.*]

Sec. 6.535. Contract to secure to high school district advantages of county library. The high school board of any high school district lying wholly or partly within a county maintaining a county free library, shall have power to enter into a contract or agreement with the board of supervisors of said county, whereby said high school district may secure the advantages of said county free library upon such terms and conditions as may be fixed in said contract or agreement [*Ibid*]

Sec. 6.540. Annual apportionment for fund. Except in cities governed by boards of education, the county superintendent of each county shall annually apportion to each school district, as a library fund, such sum as may be requested by the school trustees of such district. [*Ibid.*]

Sec. 6.541. Request for apportionment; form; date for filing. Such request must be in writing and filed with the county superintendent of schools in the month of June of each year. [*Ibid.*]

Sec. 6.542. Minimum apportionment. In no case shall the sum so appor-

tioned to any district be less than twenty-five dollars for each teacher allowed under Article II, of Chapter II, of Part IV, of Division IV, of this Code. [s.4.770-4.779.] [*Ibid.*]

Sec. 6.543. Apportionment in absence of request. If the school trustees shall fail to file said request in writing as hereinbefore provided, the county superintendent shall apportion to the library fund of such district an amount not to exceed fifty dollars for each teacher as allowed under Article II, of Chapter II, of Part IV, of Division IV, of this Code. [s.4.770-4.779.] [*Ibid.*]

Sec. 6.544. Apportionments deducted from county elementary school allotment. All sums apportioned to a school district under the provisions of this article shall be deducted from the amount which would otherwise be apportioned to the district from the county elementary school fund. [Added by Stats. 1933, p.2125.]

Sec. 6.550. Annual apportionment for fund. The county superintendent of each county, or city and county, shall annually apportion to each city, or city and county, not divided into school districts, as a library fund, such sums as may be requested by the board of education of such city or city and county. [*Ibid.*]

Sec. 6.551. Request for apportionment; form; time for filing. Said request must be in writing and filed with the county superintendent of schools at least thirty days before the first day of the month in which the supervisors of the county, or city and county, are required by law to levy the amount of taxes required for county, or city and county, purposes for each year [*Ibid.*]

Sec. 6.552. Minimum apportionment. In each city, or city and county, comprising a single district, the amount apportioned shall not be less than forty cents nor more than one dollar for each pupil of average daily attendance in the elementary schools. [*Ibid.*]

Sec. 6.553. Apportionment to be deducted from county school fund allotment. The amount so apportioned shall be deducted from the county school fund apportioned to each city, or city and county, and credited to the library fund of each city, or city and county [*Ibid.*]

Sec. 6.554. Apportionment in absence of request. If the board of education of any city, or city and county shall fail to file said request in writing as hereinbefore provided, the county, or city and county superintendent shall apportion to the library fund of each city, or city and county failing to make such request in writing, such amount, not in conflict with the provisions of this Chapter as he may deem advisable. [*Ibid.*]

Sec. 6.555. Composition of fund and disbursements therefrom. The total amount of each such apportionment shall constitute the library fund of each city, or city and county not divided into school districts, and shall be expended only in accordance with the provisions of this Chapter. [*Ibid.*]

Sec. 6.560. Fund must be expended for books, etc. The board of school

trustees and the city board of education in any city must expend the library fund, together with such moneys as may be added thereto by donation, in the purchase of school apparatus and books for a school library, including books for supplementary work [*Ibid*]

Sec. 6 561. **Order against fund to be accompanied by itemized bill.** No warrant shall be drawn by the superintendent of schools upon the order of any board of trustees against the library fund of any district unless such order is accompanied by an itemized bill, showing the books and apparatus, and the price of each in payment of which the order is drawn, and unless such books and apparatus shall have been adopted by the county, or city, or city and county board of education [*Ibid*]

Sec 6 562 **Orders for books, etc., subject to superintendent's approval.** All orders of the trustees and of boards of education for books or apparatus must in every case be submitted to the superintendent of schools of the county, or city, or city and county, respectively, for his approval, before said books or apparatus shall be purchased [*Ibid*]

(2) SCHOOL LIBRARIANS

(California School Code, 1937, p 326-329, 351, 357, 377, 381, 382, 390, 397, s 5 130, 5 139, 5 150, 5 160, 5 165, 5 461, 5 532, 5 723, 5 770-5 772, 5 780, 5 781, 5 840, *Ibid* 1939, Suppl p 817, 818, 826-828, s 5 500, 5 508, 5 721, 5 722, 5 750, Calif Stats, 1941, ch 75, s 5 460)

Sec 5 130 **Prescribed minimum generally.** The minimum general standard for each type of credential shall be as prescribed in this Article. [Enacted 1929]

Sec 5 139 **Librarian's credential.** For librarians, the same standards as applied to other special credentials of like grade [*Ibid*]

Sec. 5 150. **Regulations governing qualifications for certificates.** The state board of education shall have power and it shall be its duty to prescribe by general regulations established in accordance with law the qualifications upon which county, and city and county boards of education may grant certificates.

* * * * *

(c) To act as school librarians

[*Ibid*]

* * * * *

Sec 5 160. **Certificates that may be granted by county boards of education.** County boards of education have power to grant, in accordance with the provisions of this Code, the following certificates, renewable at the option of the board [*Ibid*]

Sec. 5.165 **Special certificates; librarian or teacher.** Special certificates, authorizing the holders to serve as a librarian or to teach in the schools of the county such branch or branches of learning and in such grades as are named in such certificates [*Ibid*]

Sec. 5.460. Certificates required. No person shall be employed as a librarian for more than two hours a day in any elementary or secondary school, unless such librarian holds a valid certificate of proper grade authorizing service as a librarian, or a valid elementary school teacher's certificate if such person is employed to serve in an elementary school, or a secondary school certificate if such person is employed to serve in a secondary school. [Enacted 1929, Superseded by Stats 1929, School Code and supplemental acts, p.345.]

Sec 5 461 When librarians rank as teachers. Such librarians when employed full time as librarians, or serving full time, partly as librarians and partly as teachers, shall rank as teachers [Enacted 1929, Superseded by Stats. 1929, School Code and supplemental acts, p 346]

Sec 5 500 Automatic permanent status on reelection for fourth consecutive year; for third year in certain districts; evening teachers; existing classifications unaffected. Every employee of a school district of any type or class, who after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification, qualifications shall, except as hereinafter otherwise provided, at the commencement of said succeeding school year, be classified as and shall become a permanent employee of the district.

At the discretion of the governing board of a district with 60,000 average daily attendance or more, every employee of the district who, after having been employed by the district for two consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications may, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district * * * Nothing in these parts shall be construed to give permanent classification to a person in the evening school who is already classified as a permanent employee in the day school In case a teacher obtains permanent classification in the evening school and later is eligible for the same classification in the day school by reason of having served the probationary period therein, he shall be given his choice as to which he shall take Nothing in this section contained shall be construed to affect the classification of any employee as it exists at the time this act takes effect [Amended by Stats 1939, ch.690]

Sec 5 508 Credentials, certificates, and standards required for certain supervisors and administrators under merit system. In school districts which have adopted the merit system for employees in positions not requiring certification qualifications provided by sections 5 792 to 5 799b, inclusive, of this code, in addition to employees specifically required by other sections of this code to be filled by persons holding certification qualifications, all employees of such districts in positions the principal duties of which are as in this section specifically set forth, shall be required to hold general or

special supervisory or administrative certificates or credentials or such special educational certificates or credentials as may be specified and issued by the State Board of Education, and said board is hereby authorized to establish standards for, and to issue, such certificates and credentials. Positions subject to the provisions of this section shall be as follows:—

* * * * *

(k) Administering and supervising library service. [Added by Stats 1939, ch.517.]

Sec. 5.532 Power to provide for payment of traveling expenses and to direct attendance at conventions, etc. The governing board of any school district shall have the power and the duty to provide for the payment of the actual and necessary travelling expenses of any employee of the district when performing services for the district under the direction of the governing board thereof. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the school district [Added by Stats. 1929, School Code and supplemental acts, p.332.]

Sec. 5.721. Leaves of absence with pay required by accident, sickness or quarantine. Governing boards of school districts of every type and class including junior college districts shall have the power to provide for the leave of absence from duty and to grant compensation during such leave of absence to any employee of the district who is employed in a position requiring certification qualifications and who is compelled to absent himself from his duties because of accident, illness or quarantine which results from his contact with other persons having a contagious disease while performing his duties or because of temporary inability to perform the services required of such employee because of such illness, accident or quarantine [Amended by Stats. 1939, ch.1115. s.1.]

Sec. 5.722 Leave of absence for travel; conditions and eligibles; pay for service during absence; reinstatement on return. The governing board of any school district, of any type or class, including junior college districts, shall have the power, subject to the provisions of this section, to grant any employee of the district employed in a position requiring certification qualifications, a leave of absence for not to exceed one year for the purpose of permitting study or travel by said employee which will benefit the schools and pupils of the district. * * *

Provided, however, that said compensation shall be paid said employee while on said leave of absence in the same manner as if the said employee was teaching in the district, upon the furnishing by the employee of a suitable bond indemnifying the governing board of the district against loss in the event that the said employee fails to render at least two years' service in the employ of said governing board following the return of the employee from said leave of absence, but such bond shall be exonerated in event the

failure of such employee to return and render such two years' service is caused by the death or physical or mental disability of the employee.

At the expiration of the leave of absence of said employee, he shall, unless he otherwise agrees, be reinstated in the position held by him at the time of the granting of the leave of absence. [Amended by Stats. 1939, ch.462.]

Sec. 5.723. Liability for death or injury of employee on leave. Both the governing board of any district and the district shall be freed from any liability for the payment of any compensation or damages now or hereafter provided by law for the death or injury of any employee of the district employed in a position requiring certification qualifications when the death or injury occurs while said employee is on any leave of absence granted under the provisions of this article. [Calif. Stats., 1931: p.1599.]

Sec. 5.750 Deductions for absence from illness or accident; rates; regulations and rules. When a person employed in a position requiring certification qualifications is absent from his duties on account of illness or accident, whether or not the same arose out of or in the course of the employment of such employee for a period of five school months or less, the amount deducted from the salary due him for any month or months in which such absence occurs shall not exceed the sum which shall actually have been paid a substitute employee employed to fill his position during his absence. * * *

When a person employed in a position requiring certification qualifications is absent from his duties on account of illness for a period of more than five school months, or when a person is absent from his duties for a cause other than illness, the amount deducted from the salary due him for the month or months in which such absence occurs shall be determined according to the rules and regulations established by the governing board of the district.

Nothing in this section shall be construed so as to deprive any district, city or city and county of the right to make any reasonable rule for the regulation of accident or sick leave or cumulative accident or sick leave without loss of salary for persons requiring certification qualifications [Amended by Stats. 1939, ch.115,s 2]

Sec. 5.770. Power and duty to employ. Boards of school trustees, and city, and city and county boards of education shall have power and it shall be their duty to employ janitors and other employees of the school. [Enacted 1929.]

Sec 5.771. Limitation on term of contract. No board shall enter into any contract with such employees to extend beyond the close of the next ensuing school year. [*Ibid.*]

Sec. 5.772. Power to fix and prescribe duties. Such boards shall have power and it shall be their duty to fix and prescribe the duties to be performed by all persons in public school service in the school district. [*Ibid.*]

Sec. 5.780. Power and duty of boards to fix. Boards of school trustees, and city, and city and county boards of education shall have power and it

shall be their duty to fix and order paid the compensation of janitors and other employees of the school employed by such boards, unless the same be otherwise prescribed by law. [*Ibid.*]

Sec 5781 **Power of city boards.** City boards of education shall have full power to fix the salary of all employees. [*Ibid.*]

Sec 5840. **Persons who shall be members enumerated.** With the exception of the persons excluded from membership by the provisions of section 5841 hereof, the following persons shall be members of the retirement system

* * * * *

- (c) Librarians employed full time in elementary or secondary schools, or who serve full time partly as librarian and partly as teachers
- (e) County superintendents, their deputies and certificated employees under the direction of county superintendents
- (f) Teachers of State colleges with or without a certificate, and librarians or other employees in such institutions who are engaged in work that would make them eligible to the provisions of the retirement law if rendered in any other branch of the public school system.

* * * * *

[Added by Calif Stats 1937: 1725, ch 626]

(3) PROHIBITED PUBLICATIONS

(California School Code, 1937, p 185, s 352, 353)

Sec 352 **Possession and use.** No publication of a sectarian, partisan, or denominational character, must be used or distributed in any school, or be made a part of any school library * * *

Sec 353 **Circulation or use of propaganda sheets, etc., forbidden; subscription by pupils to unapproved organizations banned; parent-teacher bodies excepted.** No bulletin, circular or other publication of any character whose purpose is to spread propaganda or to foster membership in or subscriptions to the funds of any organization not directly under the control of the school authorities, or to be used as the basis of study or recitation or to supplement the regular school studies shall be distributed or suffered to be distributed or shown to the pupils of any public school, on the school premises during school hours or within one hour before the time of opening or within one hour after the time of closing of such school, nor shall pupils of the public school be solicited by teachers or others to subscribe to the funds of, or work for, any organization not directly under the control of the school authorities, nor shall any instruction be given through lectures or other means, unless the material contained in the bulletin, circular or publication, or the purpose of the subscription or instruction has been approved by the state board of education, or by the county board of education, or by the gov-

erning board of the school district in which the school is situated No prohibition of this section shall apply to bulletins or circulars concerning the meetings of their organizations issued by any parent-teacher association or by any organization of parents formed for the purpose of cooperating with the school authorities in improving school conditions in the district [Enacted 1927.]

K. COUNTY TEACHER'S LIBRARIES

(California School Code, 1937, p 255, 359, s 4220, 5 550)

Sec 4 220. **County Superintendent to finish estimate.** The county superintendent of every county must, on or before the fifteenth day of July in each year furnish to the Superintendent of Public Instruction an estimate in writing of the minimum amount of the unapportioned County High School Fund needed for the current school year [Amended by Stats. 1933, p 2700.]

Sec 5 550. **Establishment of teachers' library; defrayment of costs; transfer of books to county library.** The superintendent of schools of each county, or city and county, may establish a county teachers' library and is hereby authorized to spend from the unapportioned county elementary and high school funds such amounts as shall be necessary for the purchase of books therefor and for the payment of the necessary expenses of maintenance thereof The cost of such books and the expense of the maintenance of such county teachers' library are hereby made a legitimate charge against such unapportioned county elementary and high school funds

Whenever in any county there is a county library the county superintendent of schools may enter into an agreement with such county library for the transfer to such library of all books and other property belonging to the county teachers' library and may order such sums as may be necessary to be transferred from the unapportioned county fund as may be necessary for expenditure for the purchase and maintenance of books of professional interest to teachers, and thereupon the teachers' library shall be administered as a part of the county library [Calif Stats. 1931 · 2577, ch 1212]

L. COUNTY LAW LIBRARIES

(1) GENERAL PROVISIONS

(California Stats 1941, p 564-570, s 6300-6307, 6320-6326, 6340-6350, 6360-6365, Calif Pol Code, 1937, p 328, s 1486b)
(Calif Stats 1941.1742, ch 452)

6300 There is in each county of this State a board of law library trustees, which governs the law library established for the county under the provisions of this chapter [Appr May, 1941]

Sec 6301 A board of law library trustees is constituted of five members, as follows:

(a) In a county where there are three judges of the superior court, the

three are ex officio trustees; in a county where there are more than three judges of the superior court, the judges of the court shall elect three of their number to serve as trustees; in a county where there are less than three judges of the superior court, the one or two judges are ex officio trustees, and the board of supervisors of the county shall appoint sufficient members of the bar of the county to secure the requisite number of trustees.

- (b) The chairman of the board of supervisors of the county is ex officio a trustee, or the board of supervisors may appoint a member of the bar of the county to serve as a trustee in place of the chairman.
- (c) The fifth trustee is a member of the bar of the county appointed by the board of supervisors of the county to serve as a trustee. [*Ibid.*]

Sec. 6302 Appointments of trustees which are to be made by the board of supervisors of the county shall be made at the first meeting of the board of supervisors after the establishment of a law library in the county, the appointees to serve until the first meeting of the board of supervisors in the succeeding January. The board shall, at any such meeting in each succeeding January, appoint such trustees to serve for the term of one year. [*Ibid.*]

Sec. 6303. The office of trustee is honorary, without salary or other compensation. [*Ibid.*]

Sec. 6304. Boards of law library trustees shall meet the first Tuesday of each month, and any board may meet at such other times as it may appoint, at a place to be designated for that purpose. A majority of the members constitutes a quorum for business, and an affirmative vote of a majority of the members is required to exercise the powers of the board. [*Ibid.*]

Sec. 6305. A board of law library trustees may remove any trustee, except an ex officio trustee, who neglects to attend or who absents himself from the meetings of the board, and may fill all vacancies that from any cause occur in the board.

Sec. 6306. Each board shall appoint one of its number as president.

Sec. 6307. Each board shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and shall keep a record and full minutes in writing, with the ayes and noes at length, of all proceedings of the board.

The secretary may certify to such proceedings, or any part thereof, under his hand, verified by an official seal adopted and provided by the board for that purpose. [*Ibid.*]

Sec. 6320 All money collected for the law library in each county, must be paid into the hands of the treasurer of the county, who must keep the same separate and apart in a fund designated the "law library fund," to be expended by the board of law library trustees. Money may be drawn from this fund only as in this chapter provided, and only for the purposes herein authorized.

Whenever a law library and a board of trustees to govern the same is in existence under the provisions of any law, in any county, or city and county, in this State, money so collected shall be paid into the hands of those, and in the manner, provided by such law. [Appr May, 1941]

Sec 6321 On the commencement in, or the removal to, the superior court of any county in this State, of any civil action, proceeding, or appeal, and on the commencement in, or removal to, the municipal court of any municipality or a class A justice's court in any county, of any civil action or proceeding, the party instituting such proceeding, or filing the first papers, shall pay to the clerk of the court, for the law library, on filing the first papers, the sum of one dollar (\$1) as costs, in addition to the fees fixed by law. [*Ibid.*]

Sec. 6322. Thereafter, any defendant, respondent, adverse party, or intervening party, on his first appearance in a superior or municipal court, or any number of such defendants, respondents, or parties, appearing jointly, shall pay to the clerk of the court, for the law library, the sum of one dollar (\$1) as costs, in addition to the fees fixed by law. [*Ibid.*]

Sec 6323 Such costs shall not be collected, however, in small claims courts, nor shall they be collected in justices' courts in counties in which there are more than 25 municipal court judges, nor shall they be collected on the filing of a petition for letters of adoption, or the filing of a disclaimer. [*Ibid*]

Sec 6324 The board of supervisors of any county may set apart from the fees collected by the county clerk, sums not exceeding one thousand two hundred dollars (\$1,200) in any one fiscal year, to be paid by the county clerk into the law library fund in addition to the moneys otherwise provided to be deposited in that fund by law. The board of supervisors may also appropriate from the county treasury for law library purposes such additional sums as may in their discretion appear proper. When so paid into the law library fund, such sums shall constitute a part of the fund and be used for the same purposes [*Ibid*]

Sec. 6325 The orders and demands of the trustees of the law library, when duly made and authenticated as hereinafter provided, shall be verified and audited by the auditing officer, and paid by the treasurer of the county out of the law library fund Full entry and record shall be kept as in other cases [*Ibid.*]

Sec 6326 A revolving fund of not more than five hundred dollars (\$500) may be established from money in the law library fund, by resolution of the board of law library trustees, for expenditures of not exceeding fifteen dollars (\$15) each for purposes for which the law library fund may lawfully be expended. The board shall prescribe the procedure by which money may be drawn from the revolving fund, the records to be kept, and the manner in which reimbursements shall be made to the revolving fund

by demand and order from the law library fund. All or any part of the money in the revolving fund may be deposited in a commercial account in a bank, subject to payments of not exceeding fifteen dollars (\$15) each by check on the signature of the secretary or any other person or persons designated by the board [*Ibid*]

Sec 6340 Each board of law library trustees shall establish and maintain a law library at the county seat of the county in which it is appointed. [*Ibid*]

Sec 6341 Any board of law library trustees may establish and maintain a branch of the law library in any city in the county, other than the county seat, in which a session of the superior court or of a municipal court is held.

A branch is in all respects a part of the law library and is governed accordingly [*Ibid*]

Sec 6342 A board of law library trustees may order the drawing and payment, upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the law library fund, for any liability or expenditure herein authorized, and generally do all that may be necessary to carry into effect the provisions of this chapter [*Ibid.*]

Sec 6343 A board may make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of the law library, and of all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to it. A board may make expenditures for the suitable maintenance, repair, protection and insurance against loss of such property, both real and personal [*Ibid*]

Sec 6344 A board may purchase books, journals, other publications, and other personal property

Sec 6345 A board may appoint a librarian and define the powers and prescribe the duties of any officers, determine the number, and elect all necessary subordinate officer and assistants, and at its pleasure remove any officer or assistant [*Ibid*]

Sec 6346 A board shall fix the salaries of the secretary, librarian, and other officers and assistants, and may require a bond of any officer or assistant, in such sum as it may fix. The premium on any such bond given by an authorized surety company may be paid from the law library fund [*Ibid*]

Sec 6347. A board may contract with any law library association to make use of its library as a public law library, under proper rules and regulations to be prescribed by the board, either by lease or such other contracts as may best carry into effect the purposes of this chapter [*Ibid*]

Sec 6348 A board may expend surplus funds in excess of ten thousand dollars (\$10,000) under its control, not necessary for use to maintain the law library, to acquire real property and erect thereon a library building to house the law library. In the alternative, a board of law library trustees may appropriate from such surplus funds in excess of ten thousand dollars

(\$10,000), so much as in the discretion of said board may be necessary to obtain adequate quarters for the law library in any building hereafter erected by the board of supervisors of the county in which the law library is maintained. The moneys so appropriated shall not be more than the proportion of the total cost of such building which the space allotted to the law library bears to the total usable space in the building. The moneys so appropriated may be transferred to the board of supervisors of the county for use in erecting the building, or may be paid directly on contracts for the erection thereof made by the board of supervisors [*Ibid*]

Sec 6348 3 A library building erected to house the law library may include not more than four courtrooms with offices in connection therewith, and an office for a notary public and public stenographer, which courtrooms and offices the board of law library trustees may lease, the income to be deposited in the law library fund [*Ibid*]

Sec 6348 5 A board of law library trustees may invest surplus funds, with the approval of the county treasurer, in excess of the average annual expenditures of the library for the four fiscal years immediately preceding the investment, in bonds of the Government of the United States or of this State. Bonds so purchased may be sold at any time in the discretion of the board.

The board of law library trustees may require persons other than members of the judiciary, county officials, and members of the bar resident in the county, to pay such dues as the board may fix for the privilege of removing books and other publications from the library [*Ibid*]

Sec 6349 Each board of law library trustees, on or before the fifteenth day of July of each year, shall make an annual report to the board of supervisors of the county in which the law library is maintained, for the preceding fiscal year ending on the thirtieth day of June. A copy of the report shall be filed with the auditor of the county.

The report shall give the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals and other publications on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, and such other information as might be of interest [*Ibid*]

Sec 6350 A financial report, showing all receipts and disbursements of money, shall be made by the secretary, duly verified by his oath, at the same time that the report of the board is made [*Ibid*]

Sec 6360. A law library established under the provisions of this chapter shall be free to the judiciary, to State and county officials, to members of the State Bar, and to all residents of the county, for the examination of books and other publications at the library or its branches.

The board of law library trustees may permit the removal of such books

and other publications from the library and its branches as it considers proper, subject to such rules, and, in its discretion, the giving of such security, as it may provide to insure the safekeeping and prompt return thereof, but no security shall be required of members of the judiciary or county officials. The board may provide for the levying of fines and charges for violation of the rules, and may make charges to cover the cost of special services, such as the making of photo copies of pages of library books, and messenger service

Sec. 6361. The board of supervisors of the county in which the law library is established shall provide sufficient quarters for the use of the library, upon request of the board of law library trustees.

Sec. 6362 The Secretary of State shall transmit to the county clerk of each county of the State, for the use of the law library, a copy of every publication which may hereafter be made by the State, and especially a copy of each report of the decisions of the Supreme Court and the district courts of appeal, and a copy of the statutes of this State. He shall also transmit a copy of all such reports and statutes not previously sent for this purpose. [*Ibid.*]

Sec. 6363. Whenever a law library, and a board of trustees to govern the same, is in existence under the provisions of any law, other than the law superseded by this chapter, in any county, or city and county, in this State, this chapter shall not be considered a repeal of any legislation under which such library was established and is now governed, but shall be deemed to confer upon such library the benefits of Sections 6321, 6322, 6326 and 6346. [*Ibid*]

Sec. 6364 It is discretionary with the board of supervisors of any county to provide by ordinance for the application of the provisions of this chapter to the county [*Ibid.*]

Sec 6365. Whenever the board of supervisors in any county in this State which shall have adopted the provisions of this chapter and established a law library, desire to discontinue such law library, they shall by ordinance declare their intention so to do, and shall provide in such ordinance that the books already in the library shall be transferred to and kept in the chambers of the judges of the superior court of such county. All moneys on hand in the law library fund of such county shall be by the same ordinance transferred to the school fund of such county, and the office of member of the board of law library trustees of such law library shall be abolished After such an ordinance takes effect, the county clerk of such county shall not collect the fees and costs provided for the law library [*Ibid.*]

Sec. 3. No provision of this act is intended to make a substantive change in the law of this State relating to law libraries in effect prior to the enactment hereof, nor in the character of the trusts under which they

exist. Where any board of law library trustees or law library has been established and exists under provisions of law superseded by this act, the provisions of this act shall be deemed to have been adopted and applied to the county. [*Ibid.*]

Sec. 1486b Use of law library. The Law Library Association of the city and county of San Francisco must grant to the students the use of its library upon such terms and conditions as it may agree upon with the directors of the college. [Added by Stats. 1907, p.630.]

(2) SAN FRANCISCO LAW LIBRARY

(California Stats., 1869-1870, p 235-239, ch 173, as amended by Id., 1880, p 40-42, ch 53, S F Charter, 1931, s 57)

(3) SAN JOSE LAW LIBRARY

(California Stats. 1873-1874, p 727-728, ch 499, became Santa Clara County Law Library in 1924)

M. MISCELLANEOUS PROVISIONS

(1) GIFTS IN TRUST

(California Gen Laws, 1937, p 4092-4095, Art 8698, s 1-12)

Sec 1 Manner of conveying gifts; dissemination of knowledge of arts, etc. Any person intending in his lifetime, or by will or trust deed, to operate after his death, to found, maintain, and perpetuate in this state a public library, museum, gallery of art, or any or all thereof, for the diffusion of mechanical, scientific, artistic, and general knowledge, may to that end and for such purpose, and for any purpose within the purview of the title of this act, convey in writing by words denoting a gift or grant to one or more trustees named in such gift or grant, and to their successors, any library or collection of books and works for such public library, or any museum, or gallery of art in this state, and such gift or grant may also express, and shall be construed to be a conveyance of the future additions and accretions thereof; and he may also in like manner, to that end, and for such purpose, convey by grant to such trustee or trustees, any real property within this state belonging to him which may be necessary or proper for the erection and maintenance of buildings suitable to such institution, and the buildings erected thereon, with grounds conveniently adjacent thereto, and other lands, tenements and hereditaments for the purpose of producing an income for the support and maintenance of such institutions, or any of them, and any collateral burdens which may be imposed by the terms of such foundation as part and parcel of the regulations for its conduct, and also personal property of all descriptions, which may subserve the purposes of the institution and maintenance of any such library, museum, or gallery of art

Sec. 2. Gifts by other than founder. Any contributions or gifts by any

other person than the founder, or any property suitable to the general plan or support of any institution mentioned in the title of this act, shall immediately vest in the trustees, and become incorporated into and subject to the trust, and to all its terms and conditions, and be managed under the rules and regulations prescribed therefor.

Sec. 3. Power of donor. The person making such gift, grant, or conveyance, as founder, may therein designate.

(1) The name by which the institution so founded and maintained shall be known.

(2) Its nature, object, and purposes

(3) The powers and duties of the trustees, which shall not be exclusive of other powers and duties that, in their judgment, may be necessary more effectually to carry out the purposes of such institution.

(4) The mode and manner and by whom the successors to the trustees named in the gift or grant shall be appointed.

(5) Such rules and regulations for the management of such institution, and the furtherance of its purposes, as the grantor may elect to prescribe; but such rules and regulations shall, unless the grant shall otherwise prescribe, be deemed advisory only, and shall not preclude such trustees or their successors from making such changes as new conditions may, from time to time, require.

(6) The place or places where the necessary buildings shall be erected and the general character thereof. The person making such grant may therein provide for all other things necessary or proper to carry out the purposes thereof, or otherwise, by his last will or testament.

Sec. 4 Powers of trustees. The trustees named in such gift or grant and their successors, may, in the name of such institution designated in the gift or grant, sue and defend in relation to the trust property, and to all matters affecting the institution so founded and established.

Sec. 5. Privileges granted to founder. By a provision in such gift or grant, the founder may elect, in respect to the personal and real property conveyed, and the additions and increase thereof, and in respect to the erection, maintenance, and management of any buildings auxiliary thereto, and in respect to any property connected with such institution, to reserve to himself a veto and right of annulment or modification of any act of such trustees, in case he shall, within thirty days after notice of the performance of such act, file in the office of said trustees, or deliver to their president or principal officer, a notice, in writing, of such veto, annulment, or modification, and upon a like notice, in conformity with a provision in such gift or grant, he may elect to perform during his life all the powers which, by the terms thereof, are vested in or enjoined upon the trustees therein named, and their successors; *provided*, that upon the death or disability to act of the founder and grantor, such powers and duties shall be devolved upon, and be exercised by, trustees named in the gift or grant, and their successors.

Such person may also reserve the right to alter, amend, or modify, at any time during his life, or by his last will and testament, the terms and conditions thereof, and the trusts therein created in respect to such institution, its buildings, and the property conveyed therefor.

Sec. 66. Election of officers and compensation. The founder shall have power in said deed of trust to name and describe the character and personality of any one or more of the immediate or future trustees, the librarian, and other officers, and to name and impose any particular duty to be performed by any one or more trustees or other officers, so described and characterized, and to declare and limit any compensation, and fix the character and method of such compensation he may choose to provide for any such trustee or other officer whom the terms of his foundation may characterize, and upon whom specific or general duties shall be imposed.

Sec. 7. Gift, how recorded. Any such gift or grant may be executed, acknowledged, and recorded in the manner now or hereafter provided by law for the execution, acknowledgment, and recording of grants of real property.

Sec. 8. Time of commencing suit. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect said gift, grant, or conveyance, or to affect the title to the property conveyed, or the right to the possession or to the rents, issues, and profits thereof, unless the same be commenced within two years after the date of the filing of such grant for record.

Sec. 9. Founder may bequeath to State of California. Any person, being the founder, making a gift or grant for any of the purposes mentioned in this act may, at any time thereafter, by last will or testament, devise or bequeath to the State of California all or any of the property, real and personal, mentioned in such gift or grant, or in any such supplemental [Sic] thereto, and such devise or bequest shall take effect in case, from any cause whatever, the gift or grant shall be annulled or set aside, or the trusts therein declared shall for any reason fail. Such devise or bequest is hereby suffered to be made by way of assurance that the intentions of the grantor shall be carried out, and in the faith that the state, in case it shall succeed to the property, or any part thereof, will, to the extent and value of such property, carry out, in respect to the objects and purposes of any such grant, all the wishes and intentions of the grantor.

Sec. 10 Liberal construction of provisions. The provisions of this act shall be liberally construed, with a view to effect its objects and purposes, and the singular number in the construction thereof shall be deemed to include the plural, and the plural number shall be deemed to include the singular.

Sec. 11. Universities, colleges, schools, etc. Nothing in this act shall repeal, modify, change, or have any effect upon any of the provisions of

an act of the legislature of the State of California entitled "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March ninth, eighteen hundred and eighty-five.

Sec. 12 When act takes effect. This act shall take effect immediately.

(2) NEWSPAPER FILES

(California Stats., 1919, p 278, ch 186)

Sec 1 Deposit in public libraries. The county boards of supervisors of the several counties may authorize the recorders of their several counties to deposit with any free public library maintained at the county seat, or with the California state library, such newspaper files, or portions thereof, as may be in the custody of such recorders by virtue of an act approved April 8, 1862, and entitled "An act for the purchase and preservation of public newspapers, printed and published in the several counties of this state," or by virtue of any other act

Sec 2 Before making such deposit the said board of supervisors shall obtain from the board of trustees or authorities in charge of such free public library, or the board of trustees of the California state library, an agreement that they will properly preserve and care for such newspaper files, and make them accessible to the public

Sec 3 The county boards of supervisors of the several counties may authorize the boards of trustees or other authorities in charge of any free public library with which newspaper files have been deposited in accordance with section one of this act to deposit such newspaper files with the California state library

(3) PROTECTION OF LIBRARY PROPERTY

(California Penal Code, 1937, p 168, 228, 229, s 496b, 623, 623½)

Sec 496b Purchase by dealer or collector of book, etc., bearing mark of library or school, without ascertaining right of seller; degrees of offense; punishment. Every person who, being a dealer in or collector of second-hand books or other literary material, or the agent, employee or representative of such dealer, or collector, buys or receives any book, manuscript, map, chart, or other work of literature, belonging to, and bearing any mark or indication of ownership by a public or incorporated library, college or university, without ascertaining by diligent inquiry that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving such property in the first degree if such property be of the value of more than fifty dollars, and is punishable by imprisonment in the county jail for not more than one year, or by a fine of not more than twice the value

of the property received, or by both such fine and imprisonment; and is guilty of criminally receiving such property in the second degree if such property be of the value of fifty dollars or under, and is punishable by imprisonment in the county jail for not more than one month, or by a fine of not more than twice the value of the property received, or by both such fine and imprisonment. [Added by Stats. 1923, p 434]

Sec. 623 Mutilation of book or other object in public library, gallery, museum, etc. Every person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art, mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition, is guilty of a misdemeanor. [Enacted 1872, Am Stats. 1901, p.99.]

Sec. 623½ Detention of book, etc., from library or other educational institution after notice to return. Whoever willfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading-room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution such article or other property may be kept, is guilty of a misdemeanor and shall be punished accordingly [Added by Stats 1899, p 97]

(4) DISTRIBUTION OF STATE PUBLICATIONS

(California Pol Code, 1937, p 112, 139, 140, 180, 246, s 410, 528, 529, 695, 1115)

Sec 410 Distribution of copies of laws, etc., by secretary of state. The laws, resolutions and journals of the Legislature shall be distributed by the State Printer as follows:

- 1 To the Library of Congress, three copies
- 2 To the State Library or other library or department in each State and Territory, authorized to receive them, one copy.
- 3 To the Lieutenant Governor, each member of the Legislature, the Secretary of the Senate and the Clerk of the Assembly, one copy each
4. To each municipal and county free library, county law library, and the library of each incorporated college or university in this State, one copy.
- 5 To the State Library fifty copies or as many more as the State Librarian may require for exchange purposes

All other copies of the laws, resolutions and journals shall be sold by the State Printer at such price as may be fixed by the Department of Finance [Calif Stats 1937: 178-179, ch 81.]

Sec. 528 Distribution of laws: fixing price; enrolled bills; printing and distribution of chaptered statutes, binding and delivery of laws, journals and appendices. 1. There must be printed of the laws of each session of the Legislature, two thousand two hundred fifty copies, in English, to be deposited with the Secretary of State, who, after retaining a sufficient number of said volumes for distributing, in accordance with the provisions of section 410

of the Political Code, shall sell the remaining copies at a price to be approved by the State Board of Control, who may authorize the Superintendent of Printing to compile and print any number of additional copies: the moneys thus received to be paid into the State Treasury at the end of each month. * * *

[Stats. 1933, p 2549.]

* * * * *

Sec. 529. Style of printing. The superintendent of state printing shall decide upon the style and manner of printing all laws and other state documents. [Calif. Stats., 1913: 1132, ch.605.]

Sec. 695. Bureau of publications and documents. There is hereby created in the department of finance a bureau of publications and documents. The said bureau shall have general supervision of the distribution of all public documents and other publications printed for any state department, board, institution, commission, or officer, and to the custody of said bureau shall be committed all state documents and other publications subject to public distribution, except those printed for the special use of the Legislature, the governor, or the elective officers of the state; provided, however, that the bureau may accept for distribution or disposal such documents and other publications from the Legislature, the governor, or the elective officers of the state, when requested to do so. The bureau shall dispose of or sell any of said documents under such conditions and at such price as shall be fixed by the department of Finance.

Publications. The bureau may compile and publish, with the approval of the department of finance, such documents, pamphlets, bulletins or other publications as it may deem to be for the best interests of the state or for public information. The cost of compiling, printing and distributing any document, pamphlet, bulletin or other publication issued by the bureau, and all salaries and other expenses in connection with the administering of said bureau, shall be payable out of the appropriation for the support of the department of Finance.

Fiscal arrangements. All moneys received from the sale of documents or other publications, after there has first been deducted a pro rata share of the cost of administering the bureau, shall be paid monthly into the state treasury to the credit of the fund from which the cost of the printing of the documents sold shall have been paid. The amount deducted for the administrative costs of said bureau from any moneys received by the bureau from the sale of documents or other publications shall be deposited in the state treasury for credit to the current support appropriation of the department of finance [Calif Stats, 1931. 932, ch 412]

Sec. 1115. Index of registration books. * * * The county clerk or registrar of voters shall have bound together in one or more volumes, a general index of said (registration) books arranged alphabetically by precincts,

and shall keep at least one copy of said general index in his office for public reference.

He shall also transmit one copy of said general index to the state librarian at Sacramento. [Calif. Stats. 1933, p.340, ch 185]

(5) TAX EXEMPTION

(California Const 1879, Art XIII, s 1)

(6) COUNTY RECORDS OF HISTORICAL VALUE

(California Pol Code, 1937, p.775, s 4041.24)

Sec. 4041.24. Delivery of property to county historical society; appointment and compensation of trustees or directors. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to place in the custody and control of the county historical society or the trustees or other directors thereof any records, landmarks or other property, real or personal of the county, having only historical value. Such trustees and directors shall at all times be appointed by such historical society with the consent and approval of the board of supervisors and shall receive no compensation from such county and such board of supervisors may prescribe whatever suitable or reasonable conditions that they see fit as a condition to the delivering of such property. [Calif Stats., 1929, p 1463]

COLORADO

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A. STATE LIBRARY

(Colorado Stats, Anno 1935, v 3, p 1393-1396, ch 99, s 6-25, *Ibid*, v 4, p 945, ch 146, s 17, *Ibid* v 3, p 1392, ch 99, s 1-5)

Ch 99, Sec 6 **Superintendent of public instruction, librarian; office hours.** The state superintendent of public instruction shall be ex officio librarian for the state. The state library shall be kept in the rooms provided by the state for the same. It shall be the duty of the librarian to keep said rooms open from the hour of ten o'clock A.M. until twelve o'clock M., and from two P.M. until four o'clock. P.M. on each day throughout the year, Sundays and holidays excepted. [G S., s 2076, G L., s 1604, R.S '08, s.3951, C L., s 8525]

Sec 7 **Librarian to have charge of books, maps, etc.; keep file of newspapers.** The librarian shall have the charge and custody of all books, maps, papers, charts, engravings, paintings, and all other things properly belonging to the library or directed to be deposited therein, and shall also keep a regular file of all newspapers published in the state, which shall be donated thereto. [G S., s 2077, G L., s 1605, R S '08, s 3952, C L., s 8526]

Sec 8 **Shall receive books sent to library.** It shall be the duty of the librarian to receive and transfer all books or documents sent by other states or territories to the state library from the post-office or other depot to which they may have been consigned, and to properly label and arrange them in the library. [G S., s.2078, G L., s.1606; R S '08, s.3953, C.L., s.8527]

Sec 9 **Shall acknowledge receipt; keep record.** The state librarian shall cause the receipt of each book, map or other document that may come into his possession to be acknowledged, and he shall keep record of all books and documents so received and report the same as provided by law. [G S., s.2079, G L., s.1607, R S '08, s 3953; C.L., s 8527.]

Sec 10. **Shall make rules; direct expenditures.** The librarian shall have

full power to make any rules and regulations proper and necessary for the preservation and increase of the library not inconsistent with the law, which the librarian shall in all things observe, and to superintend and direct all expenditures of appropriations made for the library. [G.S., s.2080; G.L., s 1608; R S., '08, s 3955, C L., s 8529]

Sec 11. Shall exchange statutes, documents, with other bodies. The librarian is hereby directed to exchange statutes, journals, legislative documents and other books with other legislative bodies and libraries, as he shall deem proper. [G S., s 2081, G L , s.1610, R S '08, s 3956, C L , s 8530.]

Sec 12 State publications given public libraries. That the state librarian be, and he is hereby, directed to turn over to the librarian of any free public library in this state, if desired for public use therein, and take the receipt of such librarian therefor, one copy of each and every such book, pamphlet or periodical published by this state as can be spared, now on hand, or which shall be published by the state from time to time hereafter [L '87, p.363, s 1; R.S '08,s 3957, C L , s 8531]

Sec. 13. Librarian to give newspapers to other libraries. The state librarian is hereby directed to turn over to the librarian of any free public library in this state, if desired for public use therein, the newspapers published in this state that are now on file in the state library, or that hereafter may be donated thereto [L '15, p 331, s 1; C.L , s 8532]

Sec 14 Visiting library; taking out books; regulations as to public officers. All persons shall be permitted to visit the library and examine and read the books therein, and may take out any book and retain the same for three weeks by depositing a sum of money equal to double the value of the book with the librarian, which sum shall be returned to the owner on the return of the book Members and ex-members of the legislative assembly, judges of the supreme court, district and county courts, officers of the state and their clerks, actually engaged in the service of the state, and clerks and sergeants-at-arms of the legislative assembly, shall have free access to the use of the books of the library, and have the liberty of taking the same out under such regulations as the librarian may determine; but no public officer or other person having the right to take books out of the library shall have the authority to give any other person an order to take books out of the same; and if any person having such right shall give such order, or otherwise obtain books from the same, to be used by any other person not having the right, such person shall thereupon forfeit all right to take books therefrom [G S , s 2082, G L , s.1611, R S '08, s.3958; C L , s 8533.]

Sec 15. Librarian to make biennial report. The state librarian shall, on the first day of each regular session of the general assembly make a full and complete report of all receipts and expenditures, and of the condition of the library, and all other matters in relation thereto, for the information of the general assembly [G S , s 2083, G L , s.1612, R.S '08, s 3959; C.L , s 8534.]

Sec. 16. Shall issue circular inviting deposits. It shall be the duty of the state librarian to issue a printed circular to the citizens of the state, inviting them to deposit in the state cabinet such minerals and geological specimens as any citizen may find upon his premises, or in any portion of the state. [G S , s.2084 , G.L., s 1613 ; R.S. '08, s.3960 ; C.L., s.8535.]

Sec. 17. Shall label and classify specimens; keep book. Whenever any such specimens may be deposited in the cabinet, it shall be the duty of the librarian to correctly label and classify each specimen, and to enter in a book kept for that purpose the name of the donor, and the character and quality of each specimen donated. [G.S., s.2085 ; G.L., s.1614 ; R.S. '08, s.3961 , C.L., s.8536]

Sec. 18 Circular shall specify what is wanted. The circular of the librarian shall specify the kind and quality of the specimens desired, both in geology, mineralogy and fossils [G S , s 2086 , G.L , s 1615 ; R.S. '08, s.3962 , C. L , s 8537.]

Sec 19. Cabinet shall be open to inspection. The cabinet so collected shall be open for the inspection of all persons, subject to the rules and regulations of the librarian, for the proper preservation of such specimens during the hours as provided for the state library. [G S., s.2087 ; G.L., s 1616 ; R S. '08, s.3963 , C.L., s.8538]

Sec. 20. Librarian shall give bond. The state librarian, before he enters upon the discharge of his official duties, shall give a bond, with good and sufficient security, to be approved by the governor, made payable to the state of Colorado, conditioned that he shall faithfully discharge the duties of librarian, and deliver over to his successor in office all books and other property belonging to the state library, according to law, and such rules and regulations as may be adopted by the general assembly [G S., s.2088 , G L , s 1617 ; R.S. '08, s 3964 , C L , s 8539]

Sec. 21. Loan of Certain books to Denver libraries. The state superintendent of public instruction, as ex officio librarian for the state, is hereby authorized and directed to lend to the public library of the city and county of Denver such books now in, or hereafter deposited in, the state library, as relate to or are concerned with genealogy or are useful for genealogical research, as the librarian of said public library shall request. [L. '35, p.1065, s.1.]

Sec. 22 Books not to be lent or removed from public library. All books so lent to said public library shall be housed in the principal building of said public library and shall be kept readily available for public use and inspection but shall not be lent or removed from said building. [L. '35, p.1065, s.2.]

Sec 23. Books marked. All books so lent to said public library shall be marked to indicate that the same are a part of the collection of the state library. [L. '35, p.1066, s.2.]

Sec. 24. Librarian's receipt for books. The librarian of said public library shall make and execute to the state superintendent of public in-

struction, as ex officio librarian for the state, receipts for all books lent to said public library under the provisions of sections 21 to 25 of this chapter, and the delivery of such receipts to his successor shall be a sufficient compliance, so far as the books evidenced by such receipts are concerned, with section 20 of this chapter. [L. '35, p.1066, s.4.]

Sec. 25. Books returned upon request. Upon request of the executive council the librarian of said public library shall return all or any number of the books lent under the provisions of sections 21 to 25 of this chapter to the state library, and the receipts evidencing the lending thereof shall be then surrendered to said librarian, provided, that any books returned upon such request may be lent again to said public library with the consent of the executive council. [L. '35, p 1066, s 5]

Ch 146, sec. 17. May appoint assistant librarian; salary. He may employ an assistant librarian who shall have charge of the state library under such regulations as may be prescribed by the state librarian or by law; said assistant shall receive an annual salary of fifteen hundred dollars (\$1,500) for his services, to be paid monthly from the general fund in the same manner as salaries of other state officers are now paid. [L. '19, p.663, s.1; amending R.S. '08, s.5876; C L. s 8271]

NOTE—The Colorado library commission was abolished by the Administrative Code. See ch 3, p 38.

All the rights, powers and duties formerly exercised by this commission are now exercised by the State Library under the department of education See ch.3, p.14. C.S A., 1935.

Ch. 99, sec. 1. Commission created. That for the purpose of furthering library development throughout the state, or securing greater efficiency in the work of library extension and to secure co-operation under the best direction, there is hereby created the Colorado library commission to consist of five persons, residents of the state, who shall be appointed by the governor, who shall serve without compensation. Upon the passage of this act, the governor shall immediately appoint two members from the board of library commissioners and three members from the Colorado traveling library commission as members of the Colorado Library commission, one of whom shall serve for one year, one for two years, one for three years, one for four years, and one for five years, and annually thereafter one for five years. The governor shall fill all vacancies for the unexpired term. The term of office for the commissioners shall begin on July 1, and they shall annually elect a president and secretary. The commission shall make a biennial report to the governor [L. '29, p.264, s.1.]

Sec. 2 Powers of commission. That the said the Colorado library commission shall have power to take and hold, in the name of the state of Colorado, title to all books, property and apparatus acquired by purchase or otherwise, now held or belonging to either the board of library commissioners or the Colorado traveling library commission, and to do any and all things necessary to create and keep in operation free travelling libraries for the state of Colorado; to make reasonable rules and regulations for the gov-

ernment and control of said libraries and all other property as it may deem necessary and proper. [L. '29, p.265, s.2.]

Sec. 3. Duties of commission. It also shall be the duty of said commission to further library development throughout the state to the end that books may be freely accessible to all; to give assistance, advice and counsel to all free libraries in the state, to all committees which may propose to establish them, and to all persons interested as to best means of establishing and administering such libraries, the selection of books, cataloging, maintenance, and other details of library management, as it shall find practicable. The commission may also send its members or employees to aid in organizing new libraries or improving those already established. [L. '29, p.265, s.3]

Sec. 4. May employ assistants. The commission may employ a trained and experienced librarian as its executive and field secretary, an assistant librarian and such other assistance as may be necessary. [L. '29, p.265, s.4]

Sec. 5 Board of capitol managers to provide accommodations. The board of capitol managers are hereby authorized and directed to set aside and provide suitable accommodations in the capitol building of this state for the use of the Colorado library commission to carry out the intent and purposes of this act. [L. '29, p.266, s.5]

B. SUPREME COURT LIBRARY

(Colorado Stats., Anno 1935, v 2, p 94, ch 14, s 6-9, ch 46, p 886-887, s 23, 28, 34, 36-39, *Ibid*, 1940 Supp., p 152, 153, s 24, 35)

Ch 14, sec 6 License fee. The license fee for admission to practice law in this state shall be twenty dollars. [R S '08, s 234, C L., s 6002]

Sec 7 Clerk of supreme court collect fee. The clerk of the supreme court is authorized and it is hereby made his duty to collect said fee in advance of the issuance of any such license. At the end of each month all fees collected as aforesaid during said month shall be deposited with the state treasurer, by whom the same shall be kept separate and apart from all other funds in his hands. [R S '08, s 235, C L., s 6003]

Sec 8 Supreme court library fund. The fund as collected shall be known as the supreme court library fund. It shall be used for the purchase of new books for the supreme court library, as the judges of the supreme court shall from time to time determine. [R S '08, s 236, C L., s 6004]

Sec 9 Auditor draw warrants on fund. The auditor of state is hereby authorized to draw warrants upon any such fund as may be in the hands of the treasurer from time to time, upon certificate of the sums required, under the signature of the chief justice, or a majority of the judges of said court. [R S '08, s 237; C L., s 6005]

Ch 46, sec 23 Clerks; deputies; bailiffs; librarian; salaries. The supreme court of the state of Colorado is hereby authorized to appoint one

clerk, two deputy clerks, two bailiffs, and one librarian of the supreme court library, whose salaries shall be paid, in the same manner as other state officers are paid, monthly out of the general fund of the state of Colorado, as follows: Clerk, an annual salary of four thousand dollars (\$4,000); first deputy clerk, an annual salary of three thousand five hundred dollars (\$3,500), second deputy clerk, an annual salary of two thousand five hundred dollars (\$2,500), two bailiffs, an annual salary of eighteen hundred dollars (\$1,800) each; one librarian of the supreme court library, an annual salary of two thousand dollars (\$2,000) [L. 27, p 677, s 1]

Sec. 28. Duties of Bailiff. * * * It shall be the duty of said bailiff to assist the librarian of the supreme court, when not otherwise engaged. * * * [L. '08 s.1423; C L., s.5635]

Sec. 34 All law books received by officers placed in library. The state librarian and all other officers who shall hereafter receive for public use, from any other state or territory, or any officer thereof, or any other person, any book of judicial reports or public statutes, or any other books of law, shall forthwith cause one copy of such books of statutes, and all of such books of reports, and other books of law to be deposited in the library of the supreme court, there to remain. [L. '11, p.488, s.1, amending R.S. '08, s 1428; C L s 5640]

Sec. 36 Duties of librarian. It shall be the duty of the said clerk and librarian to keep his office open every day in the year, Sundays and holidays excepted, from nine o'clock A M until five o'clock P M. of each day, so that the public may have access to said library, under such rules and regulations as the supreme court may prescribe [R S '08, s 1429, C L , s 5642]

Sec 37 Clerk to deposit fees with state treasurer. At the end of each month all fees collected by the clerk of the supreme court during said month, including fees for admission to the bar, shall be deposited by him with the state treasurer, by whom the same shall be kept separate and apart from all other funds in his hands [L. '19, p 680, s 1]

Sec. 38 Supreme court library fund; expenditures. The funds so set apart, together with the balance of the fund now in the state treasurer's hands and designated as the "Supreme court library fund," shall be known as "The supreme court library fund," and the supreme court is hereby authorized to use said fund for the following purposes. First, for the purchase of books for the supreme court library, second, for paying the expenses of binding briefs and other documents for use in said library, third, for the purchase and maintenance of bookcases, catalogues, furniture, fixtures and other equipment for said library Until this act is expressly repealed or amended, neither said fund nor any part thereof shall be used or appropriated or any other purpose whatsoever [L. '19, p.680, s.2.]

Sec. 39. Manner of disbursement. The auditor of state is hereby authorized to draw warrants upon said fund from time to time upon certificate of

the sums required for the purposes above specified, under the signature of the chief justice or a majority of the judges of the supreme court, and the state treasurer is hereby directed to pay the same out of said fund. [L. '19, p.681, s.3.]

Ch 46, Sec. 24. Additional Compensation of Librarian. In addition to the salary hereinabove to be paid to the librarian of the supreme court library, the judges of the supreme court, by resolution concurred in by a majority of said judges, are hereby expressly authorized to require a further amount to be paid to the said librarian as additional salary not to exceed a total salary of three thousand dollars (\$3,000.00), which additional salary shall be paid monthly out of the general fund of the state of Colorado. [L. '37, p.497, s.3.]

Sec. 35. Librarian to Have Charge of Library. Hereafter the Librarian of the supreme court, under the direction of the court, shall have custody of the books pertaining to the library of the supreme court. [L. '37, p.495, s.1]

C. LEGISLATIVE REFERENCE OFFICE

(Colorado Stats , Anno 1935, v 3, p 455-456, ch 74, s 23-26; *Ibid.* 1940 Suppl p.64, ch.74, s 21)

Ch. 74, Sec. 23. May use employees of supreme court during legislative session. The librarian of the supreme court library may assign any employee or employees of the supreme court library for work in the legislative reference office during any session of the general assembly. [L. '27, p.472, s.4.]

Sec. 24. Rooms in capitol; office hours. The board of capitol managers shall provide the legislative reference office with a suitable room or rooms in the main building of the state capitol, so situated as to be convenient for the members of the general assembly. Throughout the year, the office shall be kept open on Saturday during the hours prevailing in other offices in the state capitol, and on all other week days, except holidays, from nine A.M. to five P.M. [L. '27, p.472, s.5.]

Sec. 25. Supreme court librarian to render assistance. The librarian of the supreme court library shall facilitate the work of the office by permitting the director of the office to withdraw data therefrom liberally, subject to such rules as may be necessary for the proper conduct of the supreme court library. [L. '27, p 472, s 6.]

Sec. 26 Duties. The office shall:

1. Collect and classify books, pamphlets, periodicals, documents and other literature relating to prospective or pending legislation, acting in co-operation with the librarian of the supreme court library, and without undue duplication of material contained in the supreme court library. * * * [L. '27, p.472, s.7.]

Sec. 21. Appointment by attorney general; qualifications; salary. The legislative reference office shall be in charge of a director appointed by the

attorney general, with the consent of the governor, without reference to party affiliations, and solely on the ground of fitness to perform the duties of his office. He shall be paid an annual salary of thirty-six hundred dollars and necessary expenses, payable monthly. He shall devote his entire time to the functions of the legislative reference office as herein defined. He shall not be interested in the private practice of law in any manner, nor be engaged in any other business or occupation. No person shall be appointed director unless he shall have graduated from a law school and been admitted at least five years previously to the bar of Colorado. The director shall employ, subject to the provisions of the constitution, one secretary, who shall be paid an annual salary of eighteen hundred dollars and necessary expenses, payable monthly [L. '27, p 471, s 2; L. '37, p.804, s.1]

D. STATE HISTORICAL SOCIETY

(Colorado Stats Anno, 1935, v 4, p 1156-1159, ch 154, s 1-18)

Ch 154, Sec 1 **Rooms for meetings.** Whenever there shall be organized within the state, a state historical and natural history society, composed of members of character and standing in the state, it shall be the duty of the executive officers of the state to permit it to use the supreme court or state library room for its meetings and otherwise, furnish with light and fuel; provided, that such use shall not interfere with the regular purpose for which such room is required. [L. '79, p 85, s 1.]

Sec. 2 **Warrants, how drawn.** There be and is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five hundred dollars, to assist the said society to further the ends of its organization, as generally set forth in the preamble hereof, provided, however, that no part of the money hereby appropriated shall be paid as compensation to any officer or member of the society; and the state auditor shall draw his warrant on the state treasurer upon vouchers ordered paid by the society, attested by the signature of the president and secretary and approved by the superintendent of public instruction [L. '79, p.85, s 2]

Sec. 3. **Shall not incur debt.** The said society is hereby prohibited from incurring any indebtedness of any kind whatever beyond the funds on hand in its treasury to meet the same [L. '79, p.86, s.3]

Sec. 4. **Title to property to vest in state.** None of the provisions of sections 1 to 4 of this chapter shall inure to the benefit of the said society until it shall by irrepealable resolution or order declare that the title to all property acquired by it, either by purchase, gift or otherwise, shall absolutely vest in the state of Colorado, and such property shall thereupon vest in the state. [L. '79, p.86, s.4.]

Sec. 5. **Shall secure collections; preserve data.** To enable the state historical and natural history society of Colorado to secure archaeological collections of the handiwork of an ancient people, commonly known as the cliff dwellers, to secure ethnological collections of a like work of the Indian

tribes, now living or at some former time having lived in this state and in adjacent states and territories, to make collections of natural history objects of the Rocky Mountain region, to procure historical data relating thereto, and scientific papers and documents, now the property of said society, the sum of six thousand dollars be and hereby is appropriated out of any moneys in the state treasury and not otherwise appropriated. [L. '05, p 356, s.1.]

Sec 6. Collections classed and catalogued. Such collections of a scientific or historical nature shall be properly classed and catalogued, and shall be at all reasonable hours free for public inspection and examination, but under such rules and regulations as shall be prescribed or adopted by said society [L. '05, p 356, s 2]

Sec 7. Annual report of expenditures. All expenditures arising from the sum hereby appropriated shall be paid on vouchers duly executed on the state auditor and approved by the president and secretary of said society, and an annual report of such expenditures shall annually be made to the governor of this state [L '05, p 356, s 3]

Sec 8. Society declared educational institution. The state historical and natural history society, an organization heretofore incorporated to carry out the provisions of sections 1 to 4 of this chapter, be and the same is hereby declared to be one of the educational institutions of the state of Colorado [L. '15, p 440, s 1.]

Sec 9. Trustee for state; hold property; exchange duplicates. The said society shall be the trustee of the state, and as such shall faithfully expend and apply all money received from the state to the uses and purposes directed by law, and shall hold its present and future collections and property for the state, and shall not sell, mortgage, transfer or dispose of in any manner or remove from the Colorado state museum any article thereof, or part of the same, without authority of law, provided, this shall not prevent the sale or exchange of any duplicates which the society may have or obtain, or the transfer to other educational institutions of the state of property not deemed applicable to the purposes of the society. [L '15, p 440, s.2]

Sec 10. Biennial report. It shall be the duty of the president of said society to make a biennial report to the governor of the state at least twenty days preceding each regular session of the general assembly which shall set forth all transactions and expenditures of said society and such other matters concerning its affairs as its president shall deem to be of public interest [L '15, p 441, s 3]

Sec 11. Employees. The board of directors of said society shall appoint its employees and fix their salaries, and said employees shall not be subject to civil service rules or regulations. [L '15, p.441, s.4.]

Sec 12. Disposition of duplicate books, documents and specimens. Whenever the state historical and natural history society may become possessed of natural history books, specimens, and documents which are du-

plicates or similar to others possessed by the society, or which may be considered useless by the board of directors for the history or natural history of the state, or more useful for exchange, the society is authorized to return such books or the material to the donors, to government departments or state institutions, to loan or deposit with its branch societies or exchange for other similar material, or otherwise dispose of same. [L. '19, p.662, s.1.]

Sec 13. Society to accept and receive gifts. The state historical and natural history society is hereby authorized to accept and receive gifts and donations to carry out and promote the objects and purposes of the society. [L. '21, p.740, s 1]

Sec. 14. Purpose of donations. Donations of moneys, securities or other property may be made to and for the sole use of any or more of the departments or bureaus of the society, and donations so made shall be kept in a separate fund for the use of such department [L. '21, p.740, s.2.]

Sec 15 Donations providing for use of income. Donations made with the provision that the interest or income only therefrom shall be used by the donor with reference to the same shall be observed and carried out, and the principal of said gift, if money, and such other funds as are available shall be invested by the state treasurer as state custodian of said fund, and the interest or income therefrom shall be available for the society for the purposes given [L. '21, p 740, s 3]

Sec 16 Title to property donated. The title to all property acquired by the society by any such gift or donation shall absolutely vest in and belong to the state of Colorado, when accepted or received by the society, and all moneys, securities or other property so donated shall be held by the state withdrawn from his custody for the purposes and under the control of the duly authorized officers of the society, only upon the issuance of vouchers, certified against such funds in accordance therewith by the state auditor [L. '21, p 741, s 4]

Sec 17. Change of name. The state historical and natural history society of Colorado, is hereby authorized to change its name to the state historical society of Colorado [L. '27, p 652, s 1]

Sec. 18. Disposition of specimens. The said society is also authorized to discontinue its work in natural history In that event, the said society shall dispose of such natural history specimens and materials as it may have according to the judgment of its board of directors but only to public institutions within the state of Colorado [L. '27, p.652, s.1]

E. COUNTY LIBRARIES

(1940 Suppl Colorado Stats Anno, v 3, p 192-194, ch.99, s 45-52)

Ch. 99, Sec. 45. County commissioners may levy tax to establish and maintain.

(a) The board of county commissioners of any county shall have power to contract for extension service of a public library already estab-

lished, or to establish and maintain a free county library, which shall include the right through the county library board to contract from time to time for services within the county or some portion thereof from any existing library or libraries facility therein elsewhere located, for the use of inhabitants of the county, and for either or both purposes may annually appropriate moneys, and levy a tax of not more than one-half mill on the dollar of assessed valuation of all property in the county not exempt from taxation, to be levied and collected like other general property taxes and to comprise the county library fund.

- (b) The said board of county commissioners may submit to the electors of the county at a general election the question whether it shall so establish and maintain or further so maintain such free county library and for that purpose annually appropriate moneys and levy such taxes as above stated and limited except not less than one-tenth of a mill on the dollar valuation each year for the stated period of not more than seven years next ensuing, In such case if the majority vote voting thereon be "Yes," the board of county commissioners shall conform thereto.
- (c)
 1. Upon the petition of electors of the county who are taxpayers on property therein, or whose property is liable to property tax therein when the petition is signed and whose qualifications are shown by their written subscribed oath, or by the like oath of some qualified petitioner for them, taken before and certified as so taken by competent authority, and when signed after March 1, and filed with said board before September 1 of the same year by a number equal to not less than five percent of all those in the county having the necessary qualifications, the board of county commissioners shall submit to the electors of the county or the ensuing general election the question as provided in subsection (b) above except that the "stated period" shall be as required in said petitions but not over seven years next ensuing and the board of county commissioner shall conform to the majority vote thereon if it be "Yes."
 2. The qualifications of the respective signers of such petitions, by or for whom such subscribed oaths as to such required qualifications are so made, certified and filed shall be conclusively presumed in this procedure, but any such oath if it is untrue and made without honest belief in its truth shall be subject to the penalties of perjury.
 3. In determining the total number of electors of the county who are taxpayers on property therein or whose property is so liable to property tax therein on which to compute said number of required qualified petitioners, for the purpose of these proceedings the total number of the property assessment schedules as com-

pleted by the county assessor for the preceding year, excluding supplemental schedules of properties of the same persons or parties corporate or associate and excluding schedules assessing only motor vehicles, shall govern. [L. '37, p.806, s.1.]

Sec. 46. County library board established; term; compensation.

- (a) Whenever it shall have been determined to establish and maintain a free county library under the provisions of this article, there shall be created a county library board of five directors, including the county superintendent of schools and four appointees of the board of county commissioners, no one of which shall be a county commissioner, viz: One for one year, one for two years, one for three years, and one for four years, to take office January 1 following, and each year one director to serve for four years from January 1 following, and shall fill for any unexpired term any vacancy occurring. No relative of a county commissioner or of a spouse of a county commissioner shall receive any such appointment.
- (b) All directors shall serve until their respective successors are chosen and qualified. Directors shall qualify by giving surety bonds for faithful performance of their duties approved by the board of county commissioners each in the sum required by it but not less than \$500.00, and if it require corporate surety, premiums shall be payable from county library funds. No director shall receive any pay or compensation for his services. Each may receive from the county library fund his actual and necessary traveling expenses incurred while necessarily traveling solely upon the business of said board and pursuant to its vote or resolution at a regular or duly called special meeting.
- (c) Such county library board shall constitute a body corporate by the name and style of "The County Library Board of County," and in that name may receive by gift, grant or devise, real and personal property for the uses of said library, and be a party to all suits, proceedings and contracts the same as municipal corporations in this state. [L. '37, p 808, s.1.]

Sec. 47. Organization of board; quorum; by-laws, rules and regulations; certification of amount of levy deemed necessary. Immediately after their appointment the directors of the free county library shall meet and organize by electing from their number a president, secretary and such other officers as may be necessary. Three members of the county library board shall constitute a quorum for the transaction of business. It shall make and adopt such by-laws, rules and regulations for its own guidance and for the government of the library and reading rooms and book distribution services as it may deem expedient, not inconsistent with this article. Annually on or before the first day of December, it shall certify to the board of county commissioners the amount of county library levy deemed neces-

sary for the year beginning on the first day of January following; and the board of county commissioners shall levy the county library tax within the limits theretofore fixed under this article [L. '37, p 809, s.1.]

Sec. 48. Exclusive control of expenditures; appointment of librarian. The county library board shall have exclusive control of the expenditures of all moneys collected or donated to the credit of the county library fund, of the renting or constructing of any library room, building or facilities, of the purchase or contracting for the use of grounds or facilities whenever necessary, of the supervision, care and custody of the same, and of all books, apparatus, vehicles and supplies used or held for use of such library service, of appointing during the pleasure of such board a qualified librarian and such assistants as may be necessary. [L. '37, p.810, s.1.]

Sec 49 May contract to furnish library service.

(a) The county library board may contract for the furnishing of library service to the inhabitants of said county to the extent and upon such terms as may be agreed upon. It may also contract to furnish library service to the public library of any city or town in said county, or to any school district wholly or partly within the county, to the extent and upon such terms as may be agreed upon.

(b) And to that end any governing body of a library of a city, town or school district wholly or partly within the county may contract from time to time with such county library board for the free county library to have the use of all or any part of its library and/or library facilities for such period and on such terms as may be mutually agreed upon, which shall include service from such county libraries, but which shall not include, without proper legal consent of the reversioner, any such change of use of its real estate as would cause its title or right in or to such real estate to be forfeited or in jeopardy of reversion but having such reversioner's consent in proper case and when otherwise lawful so to do without or upon permission of its voters it may sell and convey any of its rights and interests in real estate and/or library to the said board for such free county library purpose and said board may pay cash for same out of moneys in said county library fund [L '37, p 810, s 1]

Sec 50. Fund; how expended. All the taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of a free county library shall be kept for the use thereof, separate and apart from all other funds of the county, and shall be drawn upon and paid out by the treasurer of said county only upon vouchers signed by the president of the county library board, and authenticated by the secretary of said board, and shall not be disbursed for any purpose not permitted under this article. [L. '37, p.811, s 1.]

Sec 51 County library and reading room free. Such county library

shall be forever free to the use of the inhabitants of the county and of the school districts wholly or partly therein, subject to such reasonable regulations as may be adopted by such library board to promote the greatest use thereof including provisions for the movement of books selected by it from time to time among the local facilities arranged by it for the better convenience of the inhabitants of the local communities [L '37, p.811, s.1.]

Sec. 52 Duties of librarian. The librarian of a free county library established under the provisions of this article shall administer the library and its branches in accordance with approved library practice but under the supervision of the county library board, shall make a report to such board by January 15 of each year of the condition and use of the library for the calendar year preceding, and shall perform such other duties as may be assigned by such board [L '37, p 811, s 1]

F. MUNICIPAL LIBRARIES

(Colorado Stats , Anno 1935, v 3, p 1396-1400, ch 99, s 26-44, *Ibid* v 4, p 1317-1318, ch 163, s 10 [76th])

Ch. 99, Sec 26 Fines applied to public libraries. The clear proceeds of all fines for any breach of any penal ordinance of any city in this state, and for penalties or upon recognizance in criminal proceedings, may be exclusively applied to the establishment and support of public libraries as hereinafter provided [G S , s 2089, G L , s 2206, R.S '08, s 3965, C.L., s 8540]

Sec 27 Any city may establish library. Any city in this state may establish a public library under the provisions of sections 26 to 32 of this chapter, whenever the common council of such city shall by ordinance determine to establish the same [G S , s.2090, G L , s 2207, R S , '08, s 3966, C L , s 8541]

Sec 28. Mayor to appoint library committee. Whenever the common council of any city in this state shall pass an ordinance to establish such public library, it shall be the duty of the mayor of such city to appoint three competent persons, who shall constitute a library committee for the term of one year from the date of their appointment, and until their successors are duly appointed and qualified, and such appointment shall be confirmed by the common council of such city. [G S , s 2091, G L , s 2008, R.S '08, s 3967; C L , s.8542]

Sec. 29 Committee to receive and spend moneys; appoint librarian; report. It shall be the duty of such library committee, to collect from the proper officers all moneys hereinbefore provided to be appropriated for such library purposes, to expend the same in such manner as they may deem most expedient for establishing and maintaining such library; to make all rules and regulations respecting the same; to appoint a librarian, who shall hold his office at the pleasure of the committee, and to fix the salary he shall receive, subject to the approval of the common council of such city; to have

the general management and control of the library and funds appropriated for such library purposes, and it shall be the duty of such committee to make an annual report of their acts to the common council of such city, giving a detailed statement of all moneys received, with the sources from which they were derived. Also a detailed account of all moneys expended, by them, and the purposes for which they were expended. [G.S., s.2092; G.L., s.2209; R S '08, s.3968; C L., s.8543.]

Sec 30 Committee to have no compensation; but each to give bond. Each member of such library committee shall perform his duties without compensation, and shall, before entering upon his duties, give a bond to be approved by the mayor of such city, in the sum of five hundred dollars, conditioned for the faithful performance of his duties. [G.S., s.2093; G.L., s.2210; R.S., '08, s. 3969; C L., s 8544.]

Sec. 31 Shall have power to sue; in what name. Such committee and their successors shall have power to sue and be sued, in the name of the library committee of the city in which they are appointed, in all matters relating to such library or library fund [G.S., s 2094; G.L., s.2211; R S., '08, s.3970; C L., 8545.]

Sec. 32 City council may apply moneys; library to allow representation. That the common council or board of trustees of any city or town in this state are hereby authorized, if they shall see fit, to apply any part of the fund referred to in section one in aid of this chapter of any library association organized for the benefit of the public, heretofore or hereafter established; provided, such library association will give to the common council or board of trustees such representation upon its board of management as may be required. [G.S., s.2095; G.L., s.2213; R S. '08, s 3971; C L. 8546.]

Sec. 33 Cities may establish public libraries; tax levy. The city council of any city or the board of trustees of any incorporated town, whether existing under special charter or by general law, shall have the power to establish and maintain a public library and reading room for the use and benefit of the inhabitants thereof, and may levy a tax therefor of not to exceed one mill on the dollar annually, and in cities of over 100,000 inhabitants, after such library and reading room shall have been duly established, they shall levy a tax of not less than one-fourth of a mill and not to exceed one mill on the dollar annually, upon all the taxable property in such city or incorporated town, such taxes to be levied and collected in like manner with the general taxes of such city or incorporated town and to be known as "the library fund." [L. '99, p.414, s.1; R.S. '08, s 3972; C.L., s.8547.]

Sec. 34. Board of directors; appointment. When any city council or board of trustees shall have decided to establish and maintain a public library and reading room under sections 33 to 44 of this chapter, the mayor of such city shall, with the approval of the city council or board of trustees proceed to appoint six persons from the citizens at large with reference to

their fitness for the duties to be performed, who, with the mayor (who shall be president), shall constitute a board of directors for the same, and not more than one member of the city council shall be at any one time a member of such board. [L. '99, p.415, s 2, R S '08, s.3973; C.L., s.8548.]

Sec. 35. Term of office; vacancies. Said directors so appointed by the mayor shall hold office one-half for one year, and one-half for two years from the 1st of July following their appointment, and at their first regular meeting they shall cast lots for the respective terms, and annually thereafter and before the 1st day of July of each year, the members of said board, whose terms of office shall not expire on said 1st day of July, shall elect three (3) directors for the ensuing two years to take the place of the retiring directors. All vacancies, except that of president, arising from any cause shall be filled by election by the remaining members of the board. [L. '99, p 415, s 3; R S. '08, s 3974; C L., s.8549]

Sec. 36 Compensation of members; removal. No member of said board shall receive any compensation as such and any member may be removed by his associates for misconduct or neglect of duty [L. '99, p.415, s.4; R.S. '08, s 3975, C L., s 8550.]

Sec 37 Board a body corporate; powers of board. Such board of directors shall constitute a body corporate by the name and style of "The board of directors of the public library of the city of," and in that name may receive by gift, grant or devise, real and personal property for the uses of said library, and be a party to all suits, proceedings and contracts the same as municipal corporations in this state, said board shall have power:

First—To elect such officers as they shall deem necessary.

Second—To establish such by-laws, rules and regulations for their own guidance and the government and management of the library and reading room as may be deemed expedient, not inconsistent with the laws of this state

Third—To exercise exclusive control of the employment and discharge of a librarian, assistants and employes, the expenditure of all moneys received for the library fund, the construction of library buildings, the supervision, care and custody of the grounds and buildings provided, and the management, care and disposition of any and all real and personal property received by such board for the use of said library from any source whatever.

Fourth—To lease or purchase all necessary grounds and buildings, and to construct all necessary buildings and other appliances.

Fifth—To contract an indebtedness by borrowing money or issuing bonds to secure funds wherewith to purchase all necessary grounds and erect all necessary buildings for library purposes, and to secure the repayment of the same by a mortgage on real estate belonging to said board, but no lien shall at any time be placed upon the personal property belonging to said board.

Sixth—To do any and all things usual and necessary, and not in conflict with the laws of the state in maintaining and developing public libraries and reading rooms for the benefit of the inhabitants of their respective cities and incorporated towns [L. '99, p 415, s 5, R S. '08, s 3976; C.L., s 8551.]

Sec 38. Library fund. All moneys collected or received shall be deposited in the treasury of such city or incorporated town, to the credit of "The library fund," and shall be kept separate and apart from other moneys of such city or incorporated town, and shall not, in any event, be turned in to the general fund of such city or incorporated town; and the same may be drawn upon by the proper officers of such city or town, upon the properly authenticated vouchers of said board of directors [L. '99, p 416, s 7, R S '08, s 3977, C L, s 8552]

Sec 39 Library to be public; rules and regulations. Every library and reading room established under sections 33 and 44 of this chapter, or operating by virtue of any of its provisions, shall be forever free to the use of the inhabitants of the city or town where located, always subject to such reasonable rules and regulations as the board of directors may adopt in order to render the use of said library and reading room of the greatest benefit to the greatest number, and said board may exclude any and all persons who shall wilfully violate such rules, and may also extend the privileges to persons residing in this state outside of such city or incorporated town, upon such conditions as they may prescribe [L. '99, p 416, s 8; R S '08, s 3978, C L, s 8553]

Sec. 40 Board to report to city council. The board of directors shall annually before the third Monday in March, make a report to the city council of the condition of their trust on the first day of March, which report shall show for the preceding twelve months the moneys received, its sources, disposition and amount on hand, number of books received, lost, condemned, and number of periodicals regularly filed for their use, number of persons taking books for home reading on cards, and the number of books loaned, names of persons donating cash, books or other property, and a description thereof, together with such other statistics, information and suggestions as they may deem of general interest [L. '99, p 417, s 9, R S. '08, s 3979, C L., s 8554]

Sec 41. City to regulate penalties by ordinance. The city council or board of trustees of any such city or the board of trustees of any incorporated town shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury to such library and reading room, or to the buildings or grounds, or other property thereof; and for injury to or failure to return any book belonging to such library. [L. '99, p 417, s 10; R S '08, s 3980; C.L, s 8555]

Sec 42 May receive donations. Any person may donate money, personal property or real estate for the benefit of such library or reading room,

and vest title thereto in the board of directors to be held and controlled by them, when accepted, according to the terms of the deed, gift or bequest. [L. '99, p 417, s.11, R.S. '08, s.3981; C.L., s.8556.]

Sec. 43 May purchase or lease library; stockholders' meeting. Whenever any library association, organized under any law of this state or not, and owning any real or personal property in this state, shall desire to sell or lease the same, or any part thereof, absolutely or with conditions, to the board of directors of any free public library, organized under the laws of this state, such sale or lease may be made in the manner following, viz : The directors of such association shall call a meeting of all the members, subscribers or stockholders thereof, to be held at the rooms of said library or office of the secretary of such association, written or printed notice of the time, place and object of such meeting, and of the terms and conditions of the proposed sale or lease being first mailed, at least thirty (30) days prior to the time of such meeting, to the address of each member, subscriber or stockholder whose place of residence is known to any of the officers or directors of such association, and by publishing such notice for at least thirty (30) consecutive days next preceding the time of such meeting in some newspaper published and of general circulation in the county where the property of said association is situated [L. '99, p 417, s 12; R S '08, s 3982, C L , 8557]

Sec 44 Acquiescence of stockholders necessary; execution of deed or lease. If the members, subscribers or stockholders, representing the majority in amount of the stock of such association, shall vote at such meeting in favor of such sale or lease upon the terms or conditions specified in such notice, or, in case said association shall consist of two or more departments, if a majority of the members, subscribers or stockholders of each department shall vote at such meeting in favor of such sale or lease so specified, then the president and secretary shall cause a record of the proceedings of such meeting, verified by the oath of the president thereof, together with an affidavit of the service of publication of notice as herein required, to be filed in the office of the clerk and recorder of the county where the property of such association is situated, after which the president and secretary of the said association shall be and are hereby authorized and empowered to execute any and all necessary deeds, leases, bills of sale, or other instruments in writing, to carry out the object and intent of said vote, which, when duly executed, shall be sufficient to pass to the board of directors of such free public library all the legal and equitable title of said association in and to the real or personal property in said instrument described as therein set forth. [L. '99, p.418, s 13, R S '08, s 3983; C L , s.8558]

Ch 163, Sec 10 (76th) * * * The establishment and maintenance of a free public library is hereby declared to be a proper and legitimate object of municipal expenditure; and the council or trustees of any city or incorporated town may appropriate money for the formation and maintenance

of such a library, open to the free use of all of its inhabitants, under proper regulations; and for the purchase of land and erection of buildings, or for the hiring of buildings or rooms suitable for that purpose, and for the compensation of the necessary employees; provided, that the amount appropriated in any one year for the maintenance of such a library shall not exceed one mill upon the dollar upon the assessed valuation of such city or town. Any such city or incorporated town may receive, hold or dispose of any and all gifts, donations, devises and bequests that may be made to such city or incorporated town, for the purpose of establishing, increasing or improving any such public library, and the city or town council thereof may apply the use, profits, proceeds, interests and rents accruing therefrom in such manner as will best promote the prosperity and utility of such library. Every city or incorporated town in which such a public library shall be maintained shall be entitled to receive a copy of the laws, journals and all other works published by authority of the state after the establishment of such library, for the use of such library, and the secretary of state is hereby authorized and required to furnish the same from year to year to such city or incorporated town. But no appropriation of money can be made under this section unless the proposition is submitted to a vote of the people at a municipal election of such city or town, in such manner as may be prescribed by ordinance. [G.S., s.3312; G.L., s.2655; R.S.'08, s 6525; C.L., s.8987.]

G. SCHOOL DISTRICT LIBRARIES

(Colorado Stats, Anno 1935, v 4, p 950-951, ch 146, s 32)

Ch 146, Sec 32. **Special school tax; levy; assessment; collection.** On or before the day designated by law for the commissioners of each county to levy the requisite taxes for the then ensuing year, the school board in each district shall certify to the board of county commissioners a statement showing the aggregate amount, which, in the judgment of said school board, it is necessary to raise from the taxable property of said district, to create a special fund for any of the purposes specified in section 89 of this chapter; said statement shall also show the items composing said aggregate and the purpose to which it is intended to devote each sum so itemized. Such statement shall be considered as having been made for information purposes only and shall not be considered as having effected an appropriation of the sums so itemized to the purposes so shown. It shall thereupon be the duty of the county commissioners to levy, at the same time that other taxes are levied, such rate, within the limits allowed by law, as will produce the aggregate amount so certified. The amount of such special tax, which shall be assessed to each taxpayer of such district, shall be placed in a separate column of the tax book, which shall be headed "special school tax"; provided, in the case of districts of the third class no higher rate than twenty mills per dollar shall be levied. There shall also be a column in said tax book in which shall be designated the number of the school district in which the property is listed.

This tax shall be collected in cash only, and placed to the credit of the proper district as fast as collected, and the amount placed at the end of every month and shall be subject to the order of the district board. It is hereby made the duty of the county assessor and county treasurer to so arrange their tax schedules and books as to conform to the above provisions; provided, that the county assessor shall list all property, both real and personal, in the school district in which the same may be on the first day of April; and, provided, further, that the board of any district may include in said certified statement an item for the purchase of books for a library, to be open to the public, under such rules as the district board may deem needful for the proper care of said library; but no levy made for this purpose shall exceed one-tenth of one mill, and the money accruing therefrom shall be used for the purposes of such library and for no other purposes whatsoever. [L. '33, p.848, s.1.]

H. TAX EXEMPTIONS

(Colorado Stats Anno, 1935, v 4, p 719, 1317-1318, ch 142, s 22 [1], ch 163, s 10 [76th])

CONNECTICUT

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A. STATE LIBRARY

(Connecticut Gen Stats 1930, p 82, 182, 360-363, s 149, 509, 1058-1067, *Ibid* 1935 Suppl p 7, 22, 131, s 23c, 66c, 349c, 350c, *Ibid* 1939 Suppl p 21, 156-157, s 33e, 279e-282e)

Sec 349c **Appointment and duties of committee.** The general assembly shall biennially appoint four persons, who, with the governor, shall constitute the state library committee. Said committee shall have charge of the state library and supreme court buildings and the grounds connected therewith, and shall appoint a state librarian and may appoint an assistant state librarian [Eff April 16, 1935]

Sec 350c **Transfer of books to college libraries.** The state librarian is authorized, from time to time, under the direction of the state library committee, to transfer for an indefinite period, to the libraries of Yale university or any other university or college in the state, any duplicates or other books or pamphlets not in current use [Eff April 16, 1935]

Sec. 1058. **Powers and duties of state librarian.** The state librarian shall have charge, under the state library committee, of the state library and supreme court building and the grounds connected therewith. He may purchase for the state library such books as the state library committee may direct or authorize. He is authorized and directed to distribute copies of the files of each act favorably reported by any committee of the general assembly and printed in the files, to each high school and university in the state, upon request. He may cause to be located and permanently identified the graves of all soldiers, sailors, and marines, veterans of any war in which the colony

of Connecticut or the United States of America has been or may be engaged, who are buried within the limits of this state. He shall report biennially to the general assembly [1918, s 1084, 1085; 1919, c.327, 1921, c.3.]

Sec 1059. Preservation of official documents in state library. Any official of the state or of any county or town, or any other official, may turn over to the state librarian, with his consent, for permanent preservation in the state library, any official books, records, documents, original papers or files, not in current use in his office, taking a receipt therefor, which shall be recorded, and such official may, in like manner, turn over to the state librarian, with his consent, for use of the state, any printed books, records, documents or reports not in current use in his office. Except as provided in section 1060, nothing herein shall be construed to allow the removal of any books or records affecting the title to any estate, real or personal, within the jurisdiction of the official having custody of such records. The state librarian shall embody in his report to the governor a general list of all such books, records, documents or papers so received, and, upon request of any person entitled thereto, shall furnish a certified copy of any such record, document or paper, and such certified copy shall be entitled to the same weight as evidence as though certified by the authority by whom such record, document or paper was deposited with said librarian [1918 s.1086]

Sec 1060 Preservation and reproduction of land and probate records. The town clerk of any town and the judge of any probate district, respectively, may deliver to the state librarian, with his consent, for preservation in the state library, any volume of land or probate records in his official custody, the age or condition of which renders its continued use by the public inadvisable, and such clerk or judge shall take a receipt therefor, which shall be recorded in the records of such town or probate district. The state librarian shall, within a reasonable time after receiving any such volume, make a photostat copy of its contents, and shall certify that such contents are correct and complete, and such certificate shall be included in such photostat copy. Such certified photostat copy shall be substantially bound, shall match the current volumes of land records of such town or probate records of such probate district so far as practicable, and shall be delivered to the town clerk or judge of probate from whom the original volume was received. Such town clerk or judge of probate is authorized to issue certified copies from such certified photostat volume of any instrument or other matter contained therein and such certified copies shall be admissible in evidence in the same manner and entitled to the same weight as copies made and certified from the original volume. The state librarian is authorized to issue certified copies of any instrument or other matter contained in any such volume, which certified copies shall be admissible in evidence in the same manner and entitled to the same weight as copies made and certified by the official from whom such volume was received. [1921, c.28, 376.]

Sec. 1061. Department of War Records. The state library shall main-

tain a department of war records, which shall collect, classify, index, and install in the library all available material relating to Connecticut participation, public or private, in the world war and thus establish a permanent and accessible record of its extent and character, such record to be as complete and comprehensive as possible and to cover not only the activities of the state, its subdivisions and agencies, but also of Connecticut agencies of the federal government, organizations of private persons and of those individuals who were direct participants in said war, whether as soldiers, sailors, aviators or otherwise. Said department shall be under the management and control of a committee consisting of eight or more members of which the state librarian shall be a member and its chairman and executive head. The remaining members of the committee shall be appointed by the state librarian with the approval of the state library committee. They shall serve without compensation except that their necessary expenses incurred in the performance of their duties shall be paid.

Sec. 279e Whenever the appropriations made by the general assembly for the purpose of carrying on the work of said department shall prove insufficient, *the governor* shall, from time to time, make such further appropriations as may be reasonably needed for that purpose. [S.1061, 1937.]

Sec. 1062. **Purchase of copies of town records.** The comptroller shall purchase, at an expense not to exceed one thousand dollars per annum, one hundred bound copies of the printed records of any town which shall meet with the approval the the state librarian as to form, accuracy and workmanship, the cost of such printed records not to exceed one cent per page, including index. Such copies shall be deposited with the state librarian for purposes of exchange and distribution. [1918, s 157.]

Sec. 1063. **Examiner of public records; duties.** The state librarian shall, with the approval of the state library committee, appoint an assistant, who shall be an examiner of public records. Such assistant may be removed by said state librarian at any time and his successor appointed in like manner. Such examiner of public records shall cause such action to be taken by the person having the care and custody of public records as may be necessary to put such records in the custody and condition required by law and to secure their safety and preservation, and shall submit a biennial report to the state librarian. [1918, s.1087.]

Sec. 1064. **Standard paper for public records.** No person having custody of any book of record or registry in any department or office of the state, or of any county, town, city, borough or probate district, shall use or permit to be used for recording purposes any book which shall not be composed wholly of a standard millbrand paper with dated watermark approved by the examiner of public records. The examiner of public records shall furnish to each person having custody of any such book a list of such papers. Any person who shall violate any provision of this section shall be fined not more than one hundred dollars, provided any such book in use August 1, 1915, may

be used until its pages are filled, and books having loose leaves may be used until the supply of such leaves is exhausted. [1918, s.1088.]

Sec. 1065. Standard ink for public records; penalty. No person having the care or custody of any book of record or registry in any of the departments or offices of this state, or of any county, town, city, borough, or probate district, shall use or permit to be used upon such book any ink, including ink used on typewriters and typewriter ribbons, other than such as is approved by the examiner of public records. Before the examiner shall approve of any ink, he shall cause a number of distinct and separate brands to be examined as to quality by a state chemist, and give his approval of not less than four different brands or manufactures, and the inks so approved shall be standard inks for use in this state. Such approval may be revoked at any time by the examiner when he shall find the ink furnished to be inferior to that approved. The examiner shall furnish to the several departments and offices of the state, and to all custodians of public records and recording offices, a list of the brands or manufactures of ink which have received his approval. Any custodian of records who shall use, or cause or permit to be used, thereon, any ink not so approved shall be fined not more than one hundred dollars. [1918, s.1089, 1090, 1091, 1092.]

Sec. 1066. Loose leaf binders for public records. The examiner of public records shall furnish to each person having custody of any book of record or register in any department or office of the state or of any county, town, city, borough or probate district a list of approved loose leaf binders for use for recording purposes and may revoke such approval at any time when he shall find any such binder inferior to those approved. Any person having custody of any such book who shall use or permit to be used for recording purposes any loose leaf binder which shall not have been so approved shall be fined not more than one hundred dollars, provided any such book in use on August 1, 1919, may be used until its pages are filled. [1919, c.39.]

Sec. 1067. Typewriting and printing; legal force. All typewriting or printing executed or done on public records, and in any instrument, and for any other purpose, shall have the same legal force, meaning and effect as writing, and "writing" shall be held to include typewriting or printing; provided this section shall not be so construed as in any manner to affect or change the law regarding signatures. [1918, s.1093.]

Sec. 23c. Photostat records and copies. Copies of any books, records, papers or documents filed, as required by law, for record in the office of the secretary of the state shall, when authenticated under the seal of the state and over a facsimile of the signature of the secretary, be admitted in evidence equally with the originals thereof and shall be prima facie evidence of the facts set forth therein. When certified copies of any certificate or report filed by any corporation for record in the office of the secretary of the state shall be required by law to be furnished by said secretary for use in this state, it shall be sufficient if the secretary shall furnish such copies over a facsimile.

ile of his signature and authenticated under the seal of the state. When the term "recorded" or the term "certified copy" shall be used under provisions of law relating to a record in the office of the secretary of the state or to a certified copy to be furnished by him, such term shall be construed to include a photostat record or a certified photostat copy. Any limitation contained in section 1067, upon the use of signatures, shall have no application to the provisions of this section.

Sec 280e "Recorded" defined. When books, records, papers or documents shall be required to be recorded by law, the word "recorded" shall be construed to include, and such recording may be made by, photographic reproduction, including proper fixation, of such books, records, papers or documents, on such sensitized paper or cellulose acetate photographic film, and with the reproduced image in such ratio in size to the original object photographed, as may be approved by the examiner of public records [1939, c.341, s 1]

Sec 281e Reproductions; how made. Any original books, records, papers or documents may be delivered by any recording agency to any department of the state, or to any political subdivision of the state, for the purpose of having such reproductions made, and, upon such reproduction, such original books, records, papers or documents shall be returned promptly to such delivering agency Whenever provision is made by statute for the return of any original books, records, papers or documents to any person, such return shall be delayed until after the delivery back to such recording agency of the reproduced image or images properly fixed Any reproduced image or images may be released for fixation to any processor approved by the examiner of public records [1939]

Sec 282e. "Certified copy" defined; evidence. When the term "certified copy" shall be used in any statute relating to any recording agency, such term shall be construed to include a certified photographic reproduction of the reproduced image or images of such books, records, papers or documents, in the same size as the originals thereof Any such photographic record or any such certified copy may be admitted in evidence with the same effect as the original thereof, and shall be prima facie evidence of the facts set forth therein [1939, c 341, s 3]

Sec. 149. Duties of attorney general; assistants. The attorney general shall appoint a deputy, who shall be sworn to the faithful discharge of his duties and shall perform all the duties of the attorney general in case of his sickness or absence He shall appoint such other assistants as he shall deem necessary, subject to the approval of the board of finance and control The attorney general shall have general supervision over all legal matters in which the state is an interested party, except those legal matters in which prosecuting officers have direction He shall appear for the state, the governor, the lieutenant governor, the secretary, the treasurer and the comptroller, and for all heads of departments and state boards, commissioners,

agents, inspectors, committees, auditors, chemists, directors, harbor masters and institutions and for the state librarian in all suits and other civil proceedings, except upon criminal recognizances and bail bonds, in which the state is a party or is interested, or in which the official acts and doings of said officers are called in question in any court or other tribunal, as the duties of his office shall require; and all such suits shall be conducted by him or under his direction * * * [1918, s.170.]

Sec. 509. Official publications of towns, cities and boroughs to be filed in state library. Files of the official publications of the towns, cities and boroughs of the state shall be kept in the state library for reference. The clerk of each such town, city or borough shall send to the state library two copies of each such publication as soon as the same is published, and copies of such previous issues of said publications as can be spared by the towns if the same be needed by the state library to complete its files. [1918, s.479.]

Sec. 33e General duties. The secretary of state shall keep all the public records and documents and record all acts, orders, grants and resolutions of the general assembly, including all resolutions of appointment and resolutions directing orders to be drawn on the treasurer, and give true copies thereof when required. He shall keep the records and files of the superior court previous to May, 1798, and the original books and papers of the late Connecticut Land Company, *provided he may turn over any such records, documents or papers to the state library in accordance with the provisions of section 1059*. He may give certified copies of any entries in such records, files, books or other papers and of the files and records of said superior court and of the supreme court of errors, remaining in his office, which copies shall be legal evidence. He shall be the keeper of the seal of the state, which shall not be altered, and shall affix the same to acts, laws, orders, commissions, instruments and certificates, when requested or required by law. He shall receive a salary of six thousand dollars per annum. [S 111, 1937.]

Sec. 66c. Identification of veterans' graves. (a) The undertaker, or other person, in charge of the burial of any deceased person, shall ascertain, and set forth in the certificate required of him, whether such deceased person was a veteran of any war in which the colony of Connecticut or the United States of America was engaged; and, if so, of what war. (b) Each person having charge of any burial place, upon the monthly returns to the registrar of births, marriages and deaths of the interments made by him during the preceding calendar month, shall set forth whether any person, whose body was so interred, was a veteran of any war; and, if so, of what war. (c) Each registrar of births, marriages and deaths shall, on or before the seventh day of each month, send to the state librarian an attested copy of each certificate of death received by him for the calendar month next preceding, if such certificate shall set forth that the deceased was a veteran soldier, sailor or marine of any war; and each registrar shall return to the state librarian a list of names, and places of interments of the bodies, of all

deceased veterans of any war, appearing upon the sexton's reports for the calendar month next preceding.

B. STATE HISTORICAL SOCIETY

(Connecticut Gen. Stats. 1931-1933 Suppl p.132, s 352c)

Sec 352c Payment to the Connecticut Historical Society. The comptroller is authorized to draw his orders upon the treasurer in equal quarterly installments in favor of the treasurer of the Connecticut Historical Society in such sums as may be appropriated to enable said society to classify and catalogue its collection of printed and manuscript material, to bind and arrange the same in a suitable and convenient manner, to mount, frame or otherwise suitably prepare its portraits, plates, engravings, lithographs, sketches, maps and surveys, to properly arrange for permanent exhibition its collection of articles in its museum and archaeological department, to publish its role of soldiers who served in the revolutionary and colonial wars not heretofore printed, and to do such other work as may be necessary to preserve such documentary and historical matter in its possession as is in a perishable condition, and is intended for the use and benefit of the public. When such appropriations are made, said society shall deposit in the state library three hundred copies of each catalogue, report or other work published by said society pursuant to the provisions of this section, and the state librarian shall distribute or dispose of the same as other publications are distributed under state authority [1933]

C. PUBLIC LIBRARY COMMITTEE

(1) GENERAL PROVISIONS

(Connecticut Gen Stats 1939 Suppl p 158-160, s 284e-285e)

Sec. 284e. Connecticut public Library committee. The state board of education * * * shall appoint six persons who, with the commissioner of education, shall constitute the Connecticut public library committee, and whose terms shall be as follows: Two for a term of one year each, two for a term of two years each and two for a term of three years each. Annually, on or before the expiration of the term of office of any such appointee, said board shall appoint a successor to such appointee, for a term of three years. Said board shall, annually, provide said committee with such sum as it may deem necessary to be expended for carrying out the purposes specified in section 285e. No member of said committee shall receive any compensation for his services as such, but the necessary expenses of the members shall be paid by the state [1939, ch 224, s.1]

Sec. 285e Duties of committee. The Connecticut public library committee shall give to the communities advice and assistance in the organization, establishment and administration of free public libraries and school libraries, shall extend to all free public libraries and school libraries, and to the librarian or director of any public library, and to the librarian and

teachers of any public school, aid in selecting and cataloguing books and in library management, and may, for the purpose of this section, visit and inspect libraries organized under the provisions of sections 940 and 1077 and suggest improvements in such libraries. Said committee is authorized to purchase and arrange books and pictures to be loaned to such public libraries, school libraries, associations and individuals as the committee may select. Said committee may provide, and shall have the care and supervision of, suitable libraries in the penal and charitable institutions of the state, subject to such rules and regulations as the directors of such institutions may make. The committee shall annually report its doings to the state board of education [1939, ch 224, s 2]

(2) CERTIFICATION OF LIBRARIANS

(Connecticut Gen Stats 1939 Suppl p 160, s 286e)

Sec 286e. **Librarians' certificates.** The Connecticut public library committee of the state board of education may, in accordance with such rules and regulations as it may provide, grant certificates to librarians in the public libraries of the state [1939, ch 224, s 3]

(3) STATE AID TO PUBLIC LIBRARIES

(Connecticut Gen Stats 1930, p 366, s 1077-1078)

Sec 1077. **Appropriation for town libraries.** If any town having no free public library shall establish a free public library and shall provide for the care, custody and distribution of books and for the future maintenance and increase of such library in a manner satisfactory to said library committee, said committee may expend for books to be selected by it a sum not to exceed the amount expended by such town or the establishment of such library and not to exceed two hundred dollars [1918, s 1109]

Sec. 1078 **Expenditures by public library committee.** On or before August first in each year, the treasurer of each town entitled to participate in the benefits conferred by the provisions of this section shall return to the tax commissioner the statement prescribed by section 1025. On or before November first in each year, the tax commissioner shall certify to the Connecticut public library committee a list classifying each town, consolidated town and city and consolidated town and borough into one of two groups. The first group shall show the name and the amount of average annual receipts from taxation, as defined in section 1024, for each such municipality whose said average receipts shall have been twenty-five thousand dollars or less. The second group shall show the name and the amount of such average receipts for each such municipality whose said average receipts shall have been in excess of twenty-five thousand dollars. The list last filed with the Connecticut public library committee by the tax commissioner shall be used in determining the amount of state aid in accordance with the provisions of this section. In towns whose average annual receipts from taxation exceed twenty-five thousand dollars, the Connecticut public library

committee may expend, annually, for books selected by it for any free public library, a sum not to exceed the amount annually appropriated and expended by the town for the increase of such library, provided the expenditure by said committee shall not exceed the sum of one hundred dollars annually for any library. In towns whose average annual receipts from taxation do not exceed twenty-five thousand dollars, said committee may expend, annually, for books selected by it for any free public library, a sum not to exceed the amount annually appropriated and expended from any source for the increase of such library, provided the expenditure by said committee shall not exceed the sum of one hundred dollars annually for any library. [1918, s 1113, 1929, c.174]

D. STATE PRISON LIBRARY

(Connecticut Gen Stats 1930, p.683, s 1991.)

Sec 1991. **Library appropriation.** The warden of the State Prison shall, annually, receive from the state the sum of five hundred dollars, for the purpose of purchasing books for the library at said prison. [1918, s 1958.]

E. DISTRIBUTION OF PUBLIC DOCUMENTS

(Connecticut Gen. Stats 1930, p 52, 73-76, 77, s 17, 116, 118, 125, 131, *Ibid* 1935 Suppl p 2, 7, s 5c, 22c; *Ibid* 1939 Suppl p 2, 22, s 3e, 34e-37e, 1941 Sp Act 278)

Sec 17 **Photographing of legislative bills.** Each bill introduced into the general assembly shall, within one session day of the general assembly after concurrent action referring the same to a committee, be delivered to the state librarian by the clerk of the branch of the general assembly into whose possession such bill last came; except that each such bill so referred to the judiciary committee shall be transmitted directly to the clerk of said committee and shall by him be delivered, within one such session day after he receives it, to the state librarian. Said librarian shall cause photographic copies of the same to be made and shall, within one such session day after receipt of such bill, deliver it to the committee to which it was referred. Said librarian shall furnish photographic copies of any such bill to the public at a reasonable charge, and not more than three copies to any member of the general assembly free upon request. A file of photographic copies of such bills, properly indexed, shall be kept in the state library for public inspection.

Sec. 5c. **Bills; printing and distribution.** *Five hundred and fifty* copies of each bill for an act reported favorably by a committee shall be printed for use by the general assembly, and all such bills of a private nature, except for grants, shall be so printed at the expense of the parties applying therefor before being favorably considered. *A greater number of copies of any bill shall be printed upon order of the statute revision commissioner.* Twenty copies of each printed bill shall be deposited in the office of the secretary and he shall bind and distribute volumes thereof as follows: Five to the

state library, two to the Connecticut Historical Society, one to the New Haven Colony Historical Society, one to the New London County Historical Society, one to the Fairfield County Historical Society and one to the law library of Yale University.

Sec. 3e. Assembly journals, preparation, printing and distribution. Within three months after the rising of each general assembly, the clerk of the senate and the clerk of the house of representatives shall prepare a full and accurate alphabetical subject-index to the journals, and shall cause to be printed *six hundred and seventy-five copies* of each of said journals with the index. One copy of each journal so indexed shall be certified by the clerk of the senate or the clerk of the house, as the case may be, to be a true record of the proceedings of such house, and shall be deposited in the office of the secretary as the official journal thereof. They shall cause to be transmitted directly to the secretary *fifty copies* of each journal, to the state library *one hundred and twenty-five copies*, to each college library, to each incorporated or associated library in the state requesting the same and to each county bar library, one copy, and to each state officer, to each member of the general assembly and to each town, one copy, and the remainder shall be deposited with the secretary, who, upon receiving the certified copies as above provided, shall certify to the comptroller that said journals have been indexed and distributed in accordance with this section; and the comptroller shall thereupon draw his order on the treasurer in favor of the persons whose duty it is hereby made to index and distribute the same, for the sum of three hundred dollars each for their services and expenses. There shall be delivered to the state librarian, in addition to the copies above provided, *eleven copies* each of the senate and house journals, certified by the respective clerks, for distribution to the *Connecticut State Library*, the Connecticut Historical Society, the New Haven Colony Historical Society, the New London County Historical Society, the Fairfield County Historical Society, each of the colleges in the state and the Pequot library in Southport.

Sec. 22c. Register and manual; printing and distribution. *Eighteen* thousand copies of the state register and manual shall be published in each year in which the general assembly shall be in regular session, and *fifteen* thousand eight hundred and fifty copies of such book shall be published in each alternate year and distributed as follows: Twenty-five hundred copies to the state board of education to be distributed by it to the public schools of this state; five hundred and fifty copies to the state librarian for exchange with other states and foreign countries and public libraries and one copy to each state officer, judge, associate or deputy judge and clerk of each court in the state, except courts of probate, each senator and representative in congress from this state, each judge of probate, state's attorney, sheriff, town clerk, mayor of a city, warden of a borough and county commissioner. In any year when the general assembly shall be in regular session, *fifteen* copies shall be sent to each senator and ten copies to each representative,

and, if the general assembly be not in session, ten copies shall be sent to each senator and five copies to each representative; and the residue, after retaining a sufficient number for distribution to the state departments, commissions and boards, and, in the discretion of the secretary, to other parties than those herein enumerated, shall be transmitted directly to the town clerks of the several towns in proportion to their population, except that no town shall receive less than five copies, to be distributed as such towns may direct. The maximum number of copies of the state register and manual authorized to be published under the provisions of this section may be reduced in any specified year and the number of copies to be distributed to the various agencies and officers may be varied but not increased at the discretion of the secretary of the state as the actual need therefor shall require.

Sec. 125 Records of the colony of New Haven. The secretary is authorized to issue certified copies of any instrument contained in the volumes of the records of the "Colony or Jurisdiction of New Haven," deposited in the state library, which certified copies shall be admissible in evidence in the same manner and identified to the same weight as copies made and certified by the official from whom such records were received; and the town clerk of the town of New Haven is authorized to issue certified copies from the photostat copies of such records, deposited in the office of said town clerk by the state librarian, which certified copies shall be admissible in evidence in the same manner and entitled to the same weight as copies made and certified from original copies [1921, C 173]

Sec. 131. Stenographers for general assembly. The comptroller shall employ all stenographers required by the joint standing and joint special committees of the general assembly. He shall provide for and furnish to the state library one original copy of all such reports of committee hearings as any of the several committees shall require to be made and transcribed by the stenographer of such committee for its use. He shall employ a competent stenographer to be in attendance upon all hearings held by the house committee on constitutional amendments. Such stenographer shall transcribe all notes taken at such hearings and shall place the same in the custody of the secretary and by him the notes so transcribed shall be placed in possession of the joint standing committee on constitutional amendments at the opening of the next succeeding session of the general assembly. [1918, s 146, 160.]

Sec 34e Distribution of reports of state officers. The secretary of the state shall transmit to the town clerk of each town, to each county law library, and to each public or circulating library the officers of which shall make written request for the same, one copy of all printed reports made to the governor or general assembly, bound in a convenient number of volumes, and to each public or circulating library the officers of which shall make written request for the same, one copy of the latest revision of the general statutes, which shall be kept in the office of such clerk, and in such li-

brary, for public use. He shall transmit to each such library requesting it such of the aforesaid reports which have been hitherto published as he can obtain.

Sec. 36e. Sale and distribution of judicial reports. The reports of cases argued and determined in the supreme court of errors shall, when prepared by the reporter of judicial decisions and ready for publication, be published under the supervision of *the secretary of the state*, who shall cause the several volumes to be *electrotyped* and to be copyrighted in the name of said secretary for the benefit of the people of the state. Said reports shall be furnished by said secretary to the citizens of the state at a stated price, to be fixed by him and the library committee. Said secretary shall send one copy of such volume of reports published under his supervision to the town clerk of each town for the use of the people of the town, one copy to each county law library in each county and one copy to each college library in the state. He shall furnish to the judges of the superior court and to the clerks of the superior court and courts of common pleas in the several counties copies of said reports, and of the parts thereof as they are published, for the use of said courts.

Sec. 35e. Digest of compensation decisions. The secretary of the state is directed to cause a digest of the decisions of the compensation commissioners to be compiled, including therewith, decisions of the superior court in compensation cases and decisions or references to decisions of the supreme court of errors in such cases, and to have published, either in one volume or in parts, twenty-five hundred copies thereof for distribution by him as follows: To the commissioners, seven hundred copies, to the state librarian, three hundred copies and to the secretary of the state, for sale by him at such prices as may, from time to time, be fixed by him, fifteen hundred copies.

Sec. 116. Distribution of public acts taking effect from passage. The secretary shall, immediately upon their passage, distribute printed copies of all public acts which take effect from their passage, as follows: Five copies to each clerk of the superior court and clerk of the court of common pleas, three copies to the clerk of each town, city and borough court and three copies to each town clerk.

Sec. 118. Distribution of laws. The secretary shall transmit to the president of the United States, and to the head of each department of the government of the United States, one copy of each of such pamphlets, to each state and territory of the United States three copies of each, one set for the executive and one for each house of its legislature, to the clerk of the supreme court of the United States, for its use, and to the library of congress one copy of each, and the remainder thereof, together with the laws of the United States received from the United States, after retaining a sufficient number of copies for the use of the state, he shall distribute as follows: To the governor, lieutenant governor, treasurer, secretary, at-

torney general, comptroller, adjutant general and the reporter of judicial decisions and to each judge of the superior court or court of common pleas and to each sheriff and judge of probate one copy of each, to be kept by said executive officers, clerks and judges of probate in their respective offices and by them transmitted to their successors; and the residue he shall transmit directly to the town clerks of the several towns, in proportion to their respective lists last returned to the comptroller, to be distributed as such towns may direct.

Sec. 37e. Sale of general statutes. *The secretary of the state shall appoint a selling agent of the general statutes for and in behalf of the state in each city and town having a population of more than fifty thousand.*

(1941 Sp Act 278)

Sec. 1. The sum of five thousand three hundred dollars per annum, or as much thereof as may be necessary, for the two fiscal years ending June 30, 1943, is appropriated to the state library committee, such sum to be expended as follows: (1) One thousand eight hundred dollars per annum for microfilming and typing additional manuscript volumes of state records, and for editorial work in connection therewith: (2) three thousand five hundred dollars per annum for the publication of two volumes of state records since 1781 and of the journal of the council of safety, one volume to be published in each of said years in an edition of not less than six hundred fifty copies, each town clerk, each public library, each college library and each historical society in the state to receive a copy, and the balance to be used by the state librarian for exchange.

Sec. 2. Said volumes shall be edited by the state historian

F. PUBLIC LIBRARIES

(Connecticut Gen. Stats 1930, p 365-369, s 1072-1074, 1079-1086 Id, 1939 Suppl p 85, 158-160, s 150e, 287e-290e, Id, 1941 Suppl p 20-21, s 39f)

Sec. 1072 Establishment; gifts; pensions. Any town, city, borough, fire district or incorporated school district may establish a public library and may expend such sums of money as may be necessary to purchase land for a suitable site and to provide and maintain such suitable rooms or buildings as may be necessary for such library or for any library which may be the property of any corporation without capital stock or for any public library that may have been established in such municipality, provided the use of such library shall be free to its inhabitants under such regulations as its directors or trustees may prescribe. Any such municipality may receive, hold and manage any devise, bequest or gift for the establishment, increase or maintenance of any such library within its limits, and may retire with a pension or other reward any employee of any such library. [1925 ch.72, s.1, 3, see sec 1080.]

Sec. 1073. Expenses; town clerk may deposit books. The officer designated by the directors or trustees of any such library shall draw his

order on the treasurer of any such municipality for such sums as may be necessary to pay the expense of such library, but such sum shall not exceed in the aggregate the amount appropriated by any such municipality for such library. Any town clerk may deposit in any such library within his town any books, other than records, placed in his custody. [1918, s.1102, 1925, ch.72, s 2.]

Sec 1074 Directors. In the absence of any other provision therefor, the management of such library in any such municipality shall be vested in a board of directors, consisting of a number divisible by three; and, in any municipality holding annual meeting after the establishment of such library, one-third (1/3) of such number shall be elected by ballot to hold office until the next annual meeting, one-third until the second annual meeting, and one-third until the third annual meeting, and, at all annual meetings of such municipality thereafter, one-third of the directors shall be elected to hold office for three years; but in any municipality holding biennial meetings, at the first biennial meeting after the establishment of such library, one-third of such number shall be elected by ballot to hold office until the next biennial meeting, one-third until the second biennial meeting, and one-third until the third biennial meeting and at all biennial meetings of such municipality thereafter, one-third of the directors shall be elected to hold office for six years. Such board may make by-laws for its government and shall have exclusive right to expend all money appropriated by such municipality for any such library. '[1918, s 1104, 1105; 1925, ch.72, s.4]

Sec. 1079. Reports by libraries. The libraries established under the provisions of this chapter, and any free public library receiving a state appropriation, shall annually make a report to the Connecticut public library committee [1918, s.1112.]

Sec 1080 City council may establish and maintain a public library. The city council of any city may establish and maintain a public library and reading room, together with such kindred apartments and facilities as the council shall approve; and may levy a tax not to exceed one and one-half mills on the dollar annually on all taxable property of the city. Such tax shall be levied and collected as other taxes, and shall be known as the "library fund." Such library and reading room shall be free to the use of the inhabitants of the city, subject to such reasonable rules and regulations as the board of directors may adopt in order to render the use of the library and reading room of the greatest benefit. Such board may exclude from the use of such library and reading room any person who shall wilfully violate such rules, and may extend its privileges to persons residing in this state outside of the city upon such terms and conditions as it may prescribe. [1918, s 1114, 1118, see Sec. 1072.]

Sec. 1081. Directors in cities; powers and duties; gifts. When any city council shall have decided to establish and maintain a public library and

reading room, the mayor of such city shall, with the approval of the council, appoint a board of nine directors. Not more than one member of the city council shall be a member of said board. The directors shall, immediately after their appointment, meet and organize by the election of one of their number as president and by the election of such other officers as they may deem necessary. They shall make and adopt by-laws, rules and regulations for the government of the library and reading room, and shall have exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, given or set apart for that purpose, provided all moneys collected and received for such purpose shall be placed in the treasury of such city, to the credit of its library fund, and shall be kept separate from other moneys of the city, and shall be drawn upon by the proper officers of the city, upon duly authenticated vouchers of the directors. Such board may purchase, lease or accept grounds, and erect, lease or occupy an appropriate building or buildings for the use of such library, appoint a librarian and all necessary assistants and fix their compensation. Any person desiring to make a gift for the benefit of such library may vest the title to such donation in the board of directors to be held and controlled according to the terms of the gift of such property, and such board shall be special trustee thereof [1918, s 1115, 1117, 1121]

Sec 1082 Report by directors. The board of directors shall make, on or before the second Monday of June, an annual report to the city council for the year ending the first of June, stating the various sums of money received from the library fund and other sources, and how such moneys have been expended, the number of books and periodicals on hand, the number added, by purchase, gift or otherwise, during the year, the number lost or missing; the number of visitors attending; the number of books loaned and the general character of such books, with such other statistics, information and suggestions as it may deem of general interest. All such portions of such report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing and books purchased, shall be verified by affidavit [1918, s 1119]

Sec 1083. Penalties for injuries. The city council of such city may pass ordinances imposing suitable penalties for injuring the grounds or other property of such library and for injuring or failing to return any book belonging to such library. Each librarian or board of directors, having charge or control of such library or property, shall post in one or more conspicuous places connected therewith a printed copy of this section [1918, s 1120]

Sec 1084 Town or borough tax. When fifty legal voters of any town or borough shall present a petition to the clerk of the town or borough, asking that an annual tax be levied for the establishment and maintenance of a

free public library and reading room in such town or borough, and shall specify in their petition a rate of taxation, not to exceed three mills on the dollar, such clerk shall, in the next legal notice of the regular annual election in such town or borough, give notice that at such election every legal voter may vote by ballot "for a mill tax for a free public library and reading room," or "against a mill tax for a free public library and reading room," specifying in such notice the rate of taxation mentioned in such petition, and, if the majority of all the votes cast in such town or borough shall be "for the tax for a free public library and reading room," the tax specified in such notice shall be levied and collected in the same manner as other general taxes of such town or borough, and shall be known as the "library fund." Such tax may afterwards be lessened or increased within the three-mill limit, or made to cease, in case the legal voters of any such town or borough shall so determine by major vote at any annual election held therein; and the corporate authorities of such town or borough may exercise the same powers relative to free public libraries and reading rooms as are conferred upon the corporate authorities of cities [1918, s 1122]

Sec 39f **Ballot for and appointment of town officers.** Assessors, members of boards of *tax review*, selectmen, town clerks, town treasurers, agents of the town deposit fund, * * * grand jurors, collectors of taxes, constables, registrars of voters, high school committees, *members of the board of education* and library directors shall be voted for by ballot; but all other town officers provided for by law shall be appointed by the board of selectmen of the several towns respectively. Any town, at a town meeting duly warned for the purpose, may pass votes determining, within the limits by law provided, the number of its officers and prescribing the mode in which they shall be voted for at subsequent meetings, but no alteration of such number shall take effect until after the adjournment of the meeting by which it was adopted. If in any town the powers of grand jurors therein are vested in other prosecuting officers, the nomination and election of grand jurors may be omitted in such town. Effective April 2, 1941. [S. 1930, p.119, s 279]

Sec 1085 **Directors' compensation.** No director of any free public library and reading room, established under the provisions of this chapter in any town, city, borough, school district or fire district, shall receive any compensation for any services rendered as such director [1918, s 1123]

Sec 1086 **Session laws to each free public library.** The secretary of the state may send a copy of the laws passed by the general assembly at each session, together with the legislative documents and journals, to each free public library which shall desire them [1918, s.1124]

Sec. 150e. **Library Service.** Any town, city, borough fire district or school district may raise money by taxation and make appropriations for defraying the expense of contract or regional library service, and shall be subject to the duties and entitled to the benefits prescribed by chapter 60

relating to free public libraries in towns or other municipalities. [1939, ch.99.]

Sec. 287e. Contracts for library service. Contracts may be made between the directors or trustees of any free public library and any town, city, borough, fire district or school district for the use of such library by their respective residents. Such use shall consist, in whole or in part: (1) of the lending of books of such library to such residents, on the same terms and conditions as to residents of the town, city, borough, fire district or school district in which such library is situated; (2) of the establishment of depositories, or branch libraries, for the lending of books to such residents; (3) of the transportation of the books of such library for the purpose of lending to such residents [1939, ch.221, s 1]

Sec. 288e Merger of library facilities. The directors or trustees of two or more public libraries may, with the approval of the towns in which such libraries are situated, contract for the merger, in whole or in part, of the facilities of such libraries [1939, ch 221, s 2.]

Sec. 289e. Transfer of employees. Members of the regular staff of any free public library may be transferred to one of its contract libraries, either on a temporary or a permanent basis, without affecting their status on the library payroll or their right to promotion, because of any town by-law or regulation as to residence. The directors or trustees of any free public library may employ any person in a branch established in another town than that in which such library is located, without complying with any civil service or residence ordinance of either of such towns; but no such employee shall be transferred to a library within either of such towns which shall have civil service or residence ordinances. [1939, ch 221, s 3]

Sec 290e. Library fund. All moneys collected or received in payment for library service contracted for and rendered shall be placed in the treasury of the town, city, borough, fire district or school district for which such service was rendered, to the credit of its library fund The moneys in such fund shall be kept separate from other moneys and shall be withdrawn only by authorized officials, upon authenticated vouchers of the directors or trustees of the public library which shall provide such service. [1939, ch.221, s.4.]

G. ASSOCIATION LIBRARIES

(Connecticut Gen Stats 1930, p.1157, s 3541.)

Sec. 3541 Funds held by churches, ecclesiastical societies, cemetery associations and library associations. Any incorporated church, and ecclesiastical society and any cemetery association or library association organized for mutual or public benefit and not for the purpose of deriving financial profit from the operations thereof, shall have power to receive and hold funds in any amount derived by gift or devise, provided the uses of any such fund and of the income therefrom are, by the terms of such gift or

devise, limited to the purposes for which such church, ecclesiastical society, cemetery association or library association was organized. [1927, c.59]

H. SCHOOL LIBRARIES

(Connecticut Gen. Stats. 1930, p.322, s 940; *Ibid.* 1933 Suppl. p.107, s.271c.)

Sec. 940. Duties of school visitors and committees; meetings. The board of school visitors or town school committee shall annually choose from its number a chairman. It shall prescribe rules for the management, studies, classification and discipline of the public schools, and, subject to the control of the state board of education, the textbooks to be used, shall make rules for the arrangement, use and safe-keeping, within their respective jurisdictions, of the school libraries provided in part by the state and approve plans for schoolhouses and superintend any high or graded school in the manner specified in this title. The chairman of the board of school visitors or of the town school committee or, in case of his absence or inability to act, the secretary, shall call a meeting of the board at least once in six months and whenever he shall deem it necessary or be requested in writing so to do by three of its members. If no meeting shall be called within fourteen days after such a request shall have been made, one may be called by any three members by giving the usual written notice to the others. [1918, s.882, 891.]

Sec. 271c State aid. Upon the recommendation of the secretary of the state board of education, the comptroller shall draw his order upon the treasurer to reimburse each town or school district to the extent of one-half of the amounts raised by taxation and expended for a school library or other suitable educational materials, provided the amount of the grant paid to a town or district shall not exceed ten dollars for each one-teacher school nor five dollars for each one hundred pupils, or fraction thereof, registered in all other public schools and provided each such town shall, during the fiscal year, make application for such grant and shall file with said secretary a satisfactory statement of expenditure of twice the amount for which a claim for state grant is filed. Payment, by the state, under the provisions of this section, shall be made to the treasurer of the town or school district, as the case may be.

I. COUNTY LAW LIBRARIES

(Connecticut Gen Stats 1930, p 363-365, s 1068-1071, 1935 Suppl p 132, s 351c, 1941 Suppl s 147f-151f)

Sec. 1068. Organization of law library associations; use of libraries. The attorneys at law, admitted to practice in the courts of this state and residents in each county organized by the name of the law library association for such county, shall remain a corporation for the purpose of holding and managing the law library belonging to the county, and may adopt by-laws for that purpose, subject to the approval of a judge of the superior court. The officers of such association shall be a president, secretary,

treasurer and librarian and a library committee to consist of three persons, whose duties shall be defined by the by-laws. The library of each such association shall be for the use of the courts and citizens of the state, subject to such regulations as may be prescribed by the association with the approval of the superior court [1918, s 1094, 1095, 1096]

Sec. 147f New Haven County Law Library. The first sentence of section 1069 is amended to read as follows The treasurer of the county of New Haven shall, annually, on the first day of January, pay to the New Haven County Law Library Association the sum of *seventy-five* hundred dollars to maintain and enlarge the bar library in the courthouse in New Haven.

Sec. 148f Waterbury bar library. The treasurer of the county of New Haven shall, annually, on or before the first day of July, draw his order in favor of the board having control of the law library in the courthouse of Waterbury, for the sum of forty-three hundred dollars for the support, care and enlargement of said library So much of section 1069 as is inconsistent with the provisions of this section is repealed

Sec 1069 County law library under control of county commissioners. Said Waterbury bar library shall be under the exclusive control of a board consisting of the county commissioners for New Haven county and three members of the bar living in Waterbury, such members of the bar to be appointed by a judge of the superior court holding court at Waterbury during the month of June in each year, and said board may make such rules and regulations respecting said library as it may deem advisable

The county commissioners of Middlesex county shall, annually, in the month of January, draw their order upon the county treasurer, payable to the Middlesex County Law Library Association, for the sum of eight hundred dollars, the same to be applied to maintain and enlarge the library of said association

The treasurer of Tolland county shall, annually, on the first day of January, pay to the Tolland County Law Library Association such a sum, not exceeding three hundred dollars, as the county commissioners may deem necessary and proper, to maintain and enlarge the library of said association.

Sec 351c Windham County Law Library. The county commissioners of Windham county shall, annually, in the month of July, draw their order on the county treasurer, payable to the Windham County Law Library Association, for the sum of twelve hundred dollars, to maintain and enlarge the county law library, one-half of such amount to be expended for that portion of said library located in Putnam and one-half for that portion located in Willimantic [s.1069, 1931, c 96]

Sec 149f Fairfield county law libraries. The treasurer of Fairfield county shall annually pay to the Fairfield County Law Library Association for the maintenance of the law library at Bridgeport seventy-five hundred dollars and, for the maintenance of the law library at Danbury, six hundred

fifty dollars, together with such further sum or sums as may be ordered, from time to time, by the county commissioners or the county representatives, to be used by said libraries for the purchase of reports or other law books or for the maintenance of said libraries. That portion of section 1069 inconsistent herewith is repealed. Effective October 1, 1941.

Sec. 150f Litchfield County Law Library The treasurer of the county of Litchfield shall, annually, on the first day of January, pay to the Litchfield County Law Library Association the sum of two thousand one hundred dollars. One-third of said sum shall be paid to each of the library committees at Winchester, New Milford and Litchfield, to be applied and paid by said committees to maintain and enlarge the county law library in each of said places. So much of section 1069 as is inconsistent with the provisions of this section is repealed.

Sec. 151f Hartford Law Library ; pension to Gladys Judd Day.

- (a) Subsection (a) of section 283e is amended to read as follows:
The treasurer of Hartford county shall, annually, on or before February first, pay to the Hartford County Bar Library Association, the sum of *eight thousand two hundred* dollars, for the maintenance, care and enlargement of the library of said association, *twelve hundred dollars of which shall be allocated by said library association to pension account*
- (b) The treasurer of said association is authorized and ordered to pay in monthly instalments from said pension account to Gladys Judd Day the sum of eleven hundred eighty-five dollars and sixty-five cents annually, from and after her retirement as librarian of the Hartford county bar library and entitled to reimbursement for a proportional amount of salaries paid to teachers under the provisions of sections 1024, 1025, 1029, 340c, 341c and 268e, accompanied by a statement by the secretary of such board, certified under oath, that the schools of such town are being maintained according to law, the state board of education may, upon the expiration of not less than six months of the current school year, certify to the comptroller for payment on his order on the treasurer an amount which shall not exceed forty per cent of the amount received by such town as reimbursement for the proportional amount of salaries paid to teachers during the year next preceding. The amount so paid shall be deducted from the reimbursement due such town at the close of the school year under the provisions of section 1029

Sec. 1070 The Treasurer's Bond. The treasurer of each law library association, before receiving such money, shall give a bond to the state, with sureties, to the satisfaction of the county commissioners, for the faithful application thereof, and that he will make a return annually to them under oath of the manner in which all such applications are made, and all

moneys paid or recovered thereon by suit shall be for the benefit of such law library association.

Sec. 1071. Records and briefs for county libraries. The reporter of the supreme court of errors shall procure a sufficient number of records and briefs of all cases determined in the supreme court of errors, and have the same bound in convenient size, with an index, and send a copy thereof to each county law library; and the expense of binding the same and the transportation thereof shall be paid by the state.

J. PROTECTION OF LIBRARY PROPERTY

(Connecticut Gen. Stats. 1930, p.1889, 368, s 6077, 1083; *Ibid* 1939 Suppl. p.771, s 1438e.)

Sec. 6077. Wilful injury to property of public library. Any person who shall wilfully write upon, injure or destroy any book, plate, picture, engraving or statue belonging to any library not exclusively owned by himself shall be fined not more than five hundred dollars, and any person who shall wilfully detain any book, paper, magazine, pamphlet, manuscript or other property, belonging to any town, city, law, university, college, school or other public or incorporated library, for thirty days after notice in writing from the librarian of such library, sent by mail or otherwise to the last known or registered place of residence of such person, after the expiration of the time during which, by the by-laws, rules or regulations of such library, such book, paper, magazine, pamphlet, manuscript or other property may be kept, shall be fined not more than one hundred dollars. The notice herein required shall bear upon its face a copy of this section [1918, s 6221]

Sec. 1083 Penalties for injuries. The city council of such city may pass ordinances imposing suitable penalties for injuring the grounds or other property of such library and for injuring or failing to return any book belonging to such library. Each librarian or board of directors, having charge or control of such library or property, shall post in one or more conspicuous places connected therewith a printed copy of this section.

Sec. 1438e. Unlawful removal or alteration of records or the counterfeiting of seals. Any person who shall, wilfully and corruptly, take away, alter, mutilate or destroy any book, record, document, archive or other property in the possession or custody or under the control of any institution, board, commission, department or officer of the state or any county or municipality or court, * * * shall be imprisoned in the State Prison not more than ten years [s 6172, 1939]

DELAWARE

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A. STATE LIBRARY

(1) GENERAL PROVISIONS

(Delaware Rev Code, 1935, p 7-8, ch 5, 23-s 1 to 34-s 12, *Ibid.* p.104, ch.15, 402-s 5, Laws 1937, p 171, ch 73)

23. Sec. 1. State Librarian; appointment; term of office; oath; bond. On the second Tuesday of February in the year A. D 1899, and every two years thereafter, the Governor shall appoint a State Librarian, who shall hold office for a term of two years or until a successor is duly appointed and qualified. Before enlisting upon the duties of the office, the said Librarian shall take the constitutional oath of office and give a bond to the State in the sum of Two Thousand Dollars, with surety approved by the Governor, conditioned for the faithful performance of official duties and the safe keeping and delivery to a successor of all property belonging to the State Library; such oath and bond shall be filed in the office of the Secretary of State. [36 Del. Laws, Ch 4, 1.]

24. Sec 2. Librarian, salary of; current expenses. The State Librarian shall receive for services rendered the State of Delaware a salary of Eighteen Hundred Dollars (\$1,800 00) per year, and to be paid monthly by the State Treasurer from moneys appropriated for such purposes. There shall also be allowed to defray the current expenses of the State Library a sum not in excess of Two Hundred and Seventy-five Dollars to be drawn from the State Treasury from funds appropriated for such purpose [36 Del. Laws, Ch.4,2; 37 Del. Laws, Ch 6,1.]

25. Sec. 3. State Library to consist of books, pamphlets, etc. The State Library shall consist of the books, pamphlets, maps, charts, and documents of every kind, including all books, pamphlets and papers received from the Medical Societies of Delaware, together with such others as may hereafter

be acquired by gift, purchase, exchange or otherwise; provided that there shall always be kept in said library not less than twenty-five copies of the Duke of York's Records for the same uses and purposes for which other books are or may hereafter be kept. [36 Del. Laws, ch.4,3.]

26 Sec 4 Librarian to keep records; fines for failure to return books. The State Librarian shall keep a complete record of all books, pamphlets, documents and papers received for the State Library and properly label the same. The said Librarian shall also keep a complete record of all books taken from said library and require the return of same within the time set by the rules and regulations governing the library as formulated by the Librarian by and with the consent of the Judges of the Supreme Court. In case of any person taking books from the Library shall fail to return the same within the time set by the rules and regulations aforesaid, such person shall be fined by the Librarian the sum of Ten Cents per book for each and every week such book or books are so unlawfully retained [36 Del Laws, ch 4,4]

27 Sec 5 Librarian to purchase law books; books purchased upon approval of judges; appropriation for. The State Librarian shall annually, under the direction of the Judges of the Supreme Court, expend a sum not exceeding 1500 Dollars for the purpose of purchasing law books. Said sum shall be paid to said Librarian by the State Treasurer, out of moneys appropriated for that purpose, upon the presentation of the approval, in writing, of the Judges of the said Supreme Court or a majority of them [36 Del Laws, ch 4,5]

28. Sec 6. Librarian to dispose of books, when and how; money to be used to purchase other books. The State Librarian is authorized to dispose of by way of sale or exchange such books in the State Library as are not needed and of which there are a number of copies, upon approval of any two Judges of the Supreme Court. Any money derived from the sale of such books shall be deposited with the State Treasurer, who is authorized to keep a separate account of such receipt, said receipt to be expended for other books needed in the said Library. The State Treasurer is authorized and directed to pay bills chargeable against the fund, upon presentation of same by the State Librarian having the approval of any two Judges of the Supreme Court, and in accordance with the law governing the approval and payment of bills by the State Treasurer [36 Del Laws, ch 4,6.]

29 Sec 7 Judicial and chancery reports deposited in library; disposal of same. The State Librarian, upon the receipt of Judicial Reports and Chancery Reports to be deposited in the Library by law, shall transmit one copy of each of said reports to the Library of each State and Territory, one copy to the Congressional Library, one copy to the New Castle County Law Library, one copy to the University of Delaware, one copy to the Historical Society of the State of Delaware, and one copy to the Library of the Municipal Court of the City of Wilmington. [36 Del. Laws, ch 4,7]

30 Sec 8 Custody of stationery, postage, etc., for general assembly; distribution thereof. The State Librarian shall have the custody of stationery, postage and supplies purchased for the use of the General Assembly and shall distribute the same in accordance with the law provided for such distribution [36 Del. Laws, ch.4,8]

31 Sec 9. Librarian to report to governor; what report shall contain. On or before the first Tuesday in January, of each year in which the General Assembly convenes in regular session, the State Librarian shall make a report to the Governor, in which shall be set forth the condition of the State Library, the number of books received, the number of books lost, the fines levied and collected in the intervening period, and all other things concerning the library that may be deemed proper [36 Del Laws, ch 4,9]

32. Sec. 10 Library to be open, when; exceptions. The State Library shall be open from nine o'clock A M to twelve o'clock noon, and from one o'clock P M. to four o'clock P M on each day, excepting Sundays and legal holidays and the further exception of Saturdays, when the library shall be closed at noon, provided that during the period of the sessions of the General Assembly, the library shall be open from nine o'clock A M to ten o'clock P M. on the days the General Assembly is in session [36 Del Laws, ch 4,10]

33. Sec 11 Librarian; removal of. At any time when the State Librarian shall fail to perform the duties as hereinbefore prescribed, then and in that event, the Governor may remove said Official and appoint some competent person to fill the unexpired term [36 Del Laws, ch 4,11]

34 Sec 12 Volumes of Delaware laws and copies of Legislative Proceedings delivered to University of Delaware; to be returned upon request of judges: The State Librarian is hereby authorized to deliver to the Library of the University of Delaware, a full set of the Volumes of the Laws of Delaware, complete to date, also copies of the Legislative proceedings of the two Houses of the General Assembly now on hand and not in current use; and also copies of the Laws of Delaware, and of the Legislative proceedings, that are published from time to time in the future, and provided further, that any publications delivered under the provisions of this Section shall, at the written request of a majority of the Judges of the supreme Court of this State, be returned to the State Librarian [36 Del Laws, Ch. 5,1.]

402 Sec 5 State Treasurer depository for boards and commissions: disbursements; power of Governor; limitation: The State Military Board Oyster Revenue Collector, Board of Boiler Rules, State Board of Undertakers, Board of Examiners of Barbers, State Board of Veterinary Medical Examiners, Medical Council of Delaware, State Board of Dental Examiners, Delaware State Board of Examiners in Optometry, State Board of Examiners of Graduate Nurses, State Board of Accountancy, State Board of Pharmacy, Delaware Real Estate Commission, State Librarian, Industrial

Accident Board are required to make the State Treasurer the depository of all their income received from taxes, fees or operations, directly or indirectly, and said deposits shall be credited to the general fund. All disbursements made by the said Boards, Departments, Commissions or Agencies for salaries, expenses or other authorized expenditures, shall only be paid by the State Treasurer out of funds appropriated by the General Assembly for that purpose, on vouchers issued by the proper officer or officers of the Board, Department, Commission or Agency and approved by the Auditor of Accounts. * * * [37 Del. Laws, Ch.44, 1, 2 and 3; 37 Del. Laws, Ch.48,1.]

Ch.73, sec 1. **Distribution of Revised Code 1935.** That the State Librarian be and she is hereby authorized and directed to furnish a copy of the Revised Code of Delaware, 1935, to the Library of Congress, and a copy to each and all of the Departments, Institutions and Agencies of this State which are supported in whole or in part by this State. [Approved April 30, 1937.]

(2) DISTRIBUTION OF PUBLIC DOCUMENTS

(Delaware Rev Code, 1935, p 97, ch 10, 344-s 8, Del. Laws 1937, p 168-170, ch.72, s 2 to 6, p 171, ch 73, s.1)

344 Sec 8. **Legislative journals; printing and disposal of.** The legislative journals shall be printed in octavo, in long primer type, so as to contain at least forty-five lines on a page, with the yeas and nays in line in compact form, and an index shall be added Three hundred copies of each shall be printed. Said journals shall be prepared by the clerks of the respective Houses of the General Assembly immediately after each session and shall be then printed under Contract made by the Secretary of state, in accordance with specifications furnished by said Secretary, and under the superintendence of the clerks of the respective Houses. It shall be the duty of the Secretary of the senate and the clerk of the House, so soon as their respective journals have been printed and published, to deliver the originals to the State Librarian, to be by him placed in the Senate Library. These provisions shall extend to the journals of the committee appointed by the Legislature at each biennial session to settle with the treasurer, to their Clerk, and the report made to them by the State Auditor.

Provided, Nevertheless, that in the event that the respective journals of the Senate and House of Representatives are printed from day to day, and the Secretary of State is satisfied that such printed pages are in proper form for the respective journals, as required to be printed and bound according to this Section without the extra expense of reprinting [Code 1915, 375; 40 Del Laws, Ch.76.]

Ch. 72, sec. 2. That the Secretary of State, after the distribution of the said copies of the said Code, as authorized and directed by Sec. 1 of this Act, shall deliver the residue of the copies of the said Code to the State Library and into the custody of the State Librarian. [Laws, 1937, p.168, ch 72.]

Ch. 72, sec. 3. That, upon the delivery to the State Library of the residue of the copies of the said Code, by the Secretary of that State, as authorized and directed by Section 2 of this Act, the State Librarian shall deliver one copy of the said Code to each State officer, and one copy to each County Officer of the respective Counties, of this State. The copies of the said Code, so delivered to the said State and County Officers, shall be kept and remain in their respective offices and shall be by them delivered to their successors, as the property of the said offices. [Laws, 1937, p 168, ch.72]

Ch. 72, sec. 4. That the State Librarian shall also deliver one copy of the said Code to the University of Delaware, one copy to the Historical Society of Delaware, one copy to the New Castle County Law Library, one copy to the Wilmington Institute Free Public Library, and one copy to each of the Free Public Libraries of this State operating under the Delaware State Library Commission [Laws, 1937, p.168, ch.72.]

Ch. 72, sec. 5. That the State Librarian shall also deliver two hundred copies of the said Code to the Prothonotary of New Castle County, seventy-five copies to the Prothonotary of Kent County, and seventy-five copies to the Prothonotary of Sussex County The Secretary of State and the State Treasurer shall charge the respective Prothonotaries with the copies of the said Code so delivered, at the rate of Five Dollars per copy which is hereby designated as the selling price per copy of the said Code.

Additional copies of the said Code may be obtained from time to time, as necessity may require, by the Prothonotaries of the respective Counties, from the State Librarian, for which they shall be charged by the State Treasurer at the price per copy aforesaid The said Prothonotaries shall be allowed a commission of 10% for selling copies of the said Code delivered to them as hereinabove provided. [Laws, 1937, p.168, ch.72.]

Ch 72, sec 6 That the State Librarian shall retain in his or her custody the residue of the copies of the said Code, and shall dispose thereof at the said selling price of Five Dollars per copy The State Librarian shall be charged by the State Treasurer with all copies of the said code so left in his or her custody for sale, and shall semi-annually, on or about the first days of January and July, account to the State Treasurer for all sales so made by him or her [Laws, 1937, p 168, ch 72.]

Ch. 73, sec. 1. Distribution of Revised Code 1935. That the State Librarian be and she is hereby authorized and directed to furnish a copy of the Revised Code of Delaware, 1935, to the Library of Congress, and a copy to each and all of the Departments, Institutions and Agencies of this State which are supported in whole or in part by this State.

B. PUBLIC ARCHIVES COMMISSION

(Delaware Rev Code, 1935, p 246-247, ch 36, 1084-s 1 to 1090-s 7, as amended by Laws, 1937, p 219, ch 92, Laws 1939, p 190-193, ch 95-96; *Ibid.*, p 333, ch 51, 1563-s 21, *Ibid.*, p 1281-1282, ch 183, 6274-s.1 to 6277-s 4, Laws 1937, p.221, ch 93, s 1, *Ibid.*, p 222, ch 94, s 1-3)

1084. Sec. 1 **Creation of Public Archives Commission; its duties and powers.** There shall be a Public Archives Commission whose duties shall consist of the care and preservation of all public records of historical value, seventy-five years old or more, of the State of Delaware or any political sub-division thereof, which are now in, or may hereafter come into, the possession of said Commission, and also for the preservation of all other public records of historical value which may remain in the custody of any public official of the state or any political sub-division thereof

The Public Archives Commission is hereby empowered to select and transfer to the State Hall of Records and books, records, documents, and papers, seventy-five years old or more which it shall deem to be of an historical or public interest, and which now are, or shall hereafter be in the custody of any public official of the State or any political sub-division thereof [40 Del Laws, ch 105]

1084 Sec 1A It shall be the duty of the State Archives Commission to obtain a copy of all plans for future State buildings and to file same in the State Hall of Records, there to be kept and catalogued for future reference

1085 Sec 2 **How Constituted; compensation and expense** The Public Archives Commission shall consist of six members, two of whom, one man and one woman, shall be residents of each county No more than three members of the Commission shall belong to the same political party and no person shall be eligible to appointment who has not been for at least ten years preceding his or her appointment a resident of this state or who is in any way subject to the authority of the commission The Governor shall appoint three members to serve four years and three members to serve two years beginning on the first day of May next succeeding their appointment and until their successors shall be appointed Following the expiration of the term of office of each member his or her successor shall be appointed to serve four years and until his or her successor shall qualify Vacancies on the Commission for any cause shall be filled by the Governor for the unexpired term and until a successor shall be appointed Members of the Commission shall serve without Compensation but shall be re-imbursed for traveling expenses incurred in attending meetings of the Commission. [Laws, 1939, p.191, ch 96]

1086. Sec 3 **Custodians of public records; duties.** For the purpose of this chapter all custodians of public records of the State or any political sub-division thereof shall, upon the request of the Public Archives Commission, afford to it all proper and reasonable access to and examination of

all books, records, documents and papers of a public nature in their custody. [40 Del. Laws, ch.105.]

1087. Sec. 4. **Agents and assistants.** The Public Archives Commission is authorized and empowered to employ such agents or assistants as it may deem necessary for the purpose of carrying out the duties imposed upon it by this chapter [40 Del. Laws, ch 105.]

1088 Sec 5 **State Hall of Records; use, furnishing and regulation.** The Public Archives Commission shall occupy exclusively the rooms in the new State "Hall of Records" in Dover assigned to it by the State Building Commission of 1937 All books, records, documents, and papers of historical or public interest, the custody of which is given to the said Public Archives Commission, as in this Chapter provided, shall be kept in the said rooms of the said State "Hall of Records" and shall be classified and catalogued for reference. [Laws, 1939, p.192, ch 96.]

1089 Sec 6 **Publications; distribution and sale thereof.** The Public Archives Commission, from time to time, as it may deem advisable, is empowered to publish any records, documents, and papers within its custody or abstracts or calendars of the same, or pamphlets, brochures, books pertaining to said records, documents, and papers, or relating in general to the history of Delaware, or the annual reports to the Governor concerning the work of the said Commission Such publications may be distributed gratis by the Commission in such numbers as the requirement of its exchange list with State, University, and other public libraries or historical societies may, in the discretion of said Commission, necessitate

Copies of said publications may be sold by the said Commission to the General public for such price per copy as the commission may determine, and the proceeds therefrom accompanied by a detailed statement, shall be paid to the State Treasury on or before June 30th of each year. [Laws, 1939, p 192, ch 96]

1090 Sec 7 **Annual reports.** The Public Archives Commission shall make an annual report to the Governor on the first day of July each year, setting forth its activities for the next preceding year. [40 Del. Laws, ch.105.]

1089 Sec 8 The Public Archives Commission shall have authority to make reproductions by photographic process of records in the custody of said Commission, of those required by law to be copied, and of such objects as the said Commission may be requested to reproduce [42 Del. Laws, ch 96, s 4.]

1090 A Sec 7A No Officer of any court, department, board, commission, or agency of the State of Delaware or of any county or incorporated municipality therein, shall destroy, sell or otherwise dispose of any public records or printed public document, or official correspondence in his care or custody or under his control, or which are no longer in current use without first having advised the Public Archives Commission of their nature,

and obtained its written consent. Nothing herein contained shall be construed to allow or permit the destruction or sale of any court, departmental, board, commission or agency minutes, maps, plans or papers having to do with legal titles.

In construing the provisions of this Act and other Statutes appertaining thereto, the words "public records" shall mean any written or printed book, document, or paper, map or plan, which is the property of any court, department, board, commission or agency of the state of Delaware or of any county or incorporated municipality therein, and in or on which any entry has been made or is required to be made by law, or which any officer or employee of the state of Delaware or of a county or an incorporated municipality has received or is required to receive for recording or filing.

Whoever shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred (\$500 00) Dollars [Del Laws, 1937, p.219, ch 92]

1563 Sec. 21 The Recorder of Deeds and the Register of Wills, in each of the Counties of this State, upon the advice and approval of the Resident Associate Judge of the Particular county, may deliver to the Public Archives Commission, with the consent of the State Archivist, for preservation in the Public Archives of the State of Delaware, at Dover, any volume of land records or probate records in their official custody, the age and condition of which render its combined use by the public inadvisable, and the Recorder or Register shall take a receipt for the same and said receipt shall be recorded in the office from which such volume or record is taken

Within a reasonable time after any such Volume or record has been delivered to the said Commission as aforesaid, the State Archivist shall make a photostat copy of its contents and shall certify that such contents are complete and correct, and such certificate shall be included in such photostat copy. Such photostat copy shall be substantially bound, shall match the current volumes of land records or probate records as the case may be so far as is practicable, and shall be delivered to the Recorder or Register from whom the original volume was received, and the said Recorder or Register, as the case may be, is authorized to issue certified copies of any photostat copy of any records contained in such volume, and any such certified copy shall be admissible evidence in any court of justice in the same manner and entitled to the same weight as certified copies made from the original volume.

The State Archivist is authorized to issue certified copies of any instrument or record or other matter contained in any such volume, so delivered to the said Commission as aforesaid, which certified copy, shall be admissible in evidence, in any Court of Justice in the same manner and entitled

to the same weight as certified copies made by the official from whose office such volume was received. [37 Del. Laws, ch.110,1.]

6274. Sec. 1. Paper and ink of standard qualities must be used for recording purposes. All custodians of public books of record or registries of the State or any county or incorporated municipality therein, whose duty it shall be to record, or cause to be recorded, papers or documents required by law to be recorded, shall not use, or permit to be used, for recording purposes, any book or paper which shall not be of a standard mill brand with dated watermark; nor shall any such custodian use or permit to be used for the said recording any ink which shall not be of a standard quality. [40 Del. Laws, ch.104,1.]

6275. Sec. 2. Standard of quality; how determined; Public Archives Commission to designate; State chemist to approve. The standard of the quality of said books, paper and ink, shall be determined by the Public Archives Commission of the State, whose duty it shall be, as soon as can be conveniently done after the eighth day of March, 1935, to furnish to each of the custodians aforesaid a list of not less than four makes or brands of such standard books or papers and ink manufactured by different and separate concerns; provided, that no make or brand of ink shall be designated by the said Public Archives Commission, except it shall have the written approval, as to quality, by the State chemist, whose duty it shall be to examine such makes and brands as may be submitted to him by the Public Archives Commission [40 Del Laws, ch 104, 2]

6276 Sec. 3 Access to records, etc., must be afforded to Public Archives Commission. All custodians as aforesaid shall afford to the Public Archives Commission all reasonable access to the records, papers and ink within their possession and control for the purposes of carrying out the provisions of this Chapter [40 Del Laws, ch 104, 3]

6277 Sec. 4. Violation a Misdemeanor; penalty. Any custodian, as aforesaid, who shall use or cause or permit to be used any book, paper or ink other than in the manner in this Chapter. provided, shall be deemed to be guilty of malfeasance in office and shall be subject to a fine of not more than One Hundred Dollars. For the purpose of enforcing this Chapter, exclusive jurisdiction is hereby given to the Court of General Sessions of this State. [40 Del Laws, ch.104, 4]

Sec. 1. All books, records, documents, maps and papers of historic or public interest which are in or shall come into the possession of any State department, board, commission or agency shall, upon the termination of such department, board, commission or agency, be transferred to the custody of the Public Archives Commission. [41 Del. Laws p.221, ch.93, s.1.]

Sec. 1. On and after the passage and approval of this Act, the Public Archives Commission is empowered and directed to determine and select such points of historic interest throughout the State of Delaware as the Commission thinks should be marked with a suitable monument, tablet or

marker, and to design, purchase, and erect monuments, tablets, or markers, which the Commission may decide to be appropriate at such points, indicating thereon the event or events commemorated and having such other suitable inscription as may seem necessary.

Sec 2 The Public Archives Commission may employ such expert assistance to aid in its historical researches that it may deem necessary effectively to carry out the purposes of this Act

Sec. 3. The Public Archives Commission is empowered and directed to keep in good repair all monuments, tablets, and markers erected by the Historic Markers Commission, and also all monuments, tablets, and markers heretofore or hereafter erected by the Public Archives Commission [41 Del Laws, p 222, ch 94,]

C. STATE LIBRARY COMMISSION

(Delaware Rev Code, 1935, p 237, ch 34, 1044-s 1 to 1046-s 3, as amended by Senate Bill 158, 1941)

1044 Sec 1. **Commission established; appointment; terms of office; qualifications; vacancies, how filled.** A Board to be known as "The Library Commission for the State of Delaware" is established Said commission shall be composed of nine persons to be appointed by the Governor, who shall respectively hold office for the term of five years or until their successors are duly chosen, provided that for the first Commission three members are appointed for the term of one year, three members for the term of three years, and three members for the term of five years All vacancies on said Commission, whether occurring by expiration of term, or otherwise, shall be filled by the Governor for the unexpired term and until a successor shall be appointed No person shall be ineligible by reason of sex to serve on the Commission [S B 158, 1941]

1045 Sec 2 **Organization; compensation of members; expenditures, how paid.** The said Commission shall organize by the selecting from its members of a President and by the selection of a qualified librarian who shall serve as Secretary of said Commission, but shall have no vote or voice in the acts and proceedings of said Commission

Said Commission may also employ such other assistants as shall be required for the performance of the Commission's work, who shall serve under such conditions as the Commission shall determine

No member shall receive any salary or compensation for his services as such Commissioner

On or before the fifteenth day of September, The Library Commission for the State of Delaware shall transmit biennially to the Governor and to the General Assembly a Library Commission budget which shall be reported on the official estimate blanks furnished for such purposes, an estimate in itemized form showing the amount needed for each fiscal year of the en-

suing biennial period beginning with the first day of July next, thereafter. [S.B 158, 1941.]

1046 Sec 3. **Duties; powers; by-laws; biennial report to general assembly.** The said Commission shall have general supervision over all libraries in this State established or maintained under the provisions of this Chapter, and shall have the supervision and control of all circulating libraries now or hereafter to be established under the provisions of Section 20 of this Chapter, shall have power to require of any and all District Library Commissions created as hereinafter provided such reports as are or may be deemed proper; shall make certificate to the State Treasurer when any library is entitled to State aid, as hereinafter provided; and shall have all further and other powers necessary and proper for the general supervision of the libraries aforesaid. The said Commission is further authorized to provide libraries to such extent as they shall deem advisable and funds shall permit, to control the circulation of the same, to provide for the distribution of books and other reading matter, and to do such other acts tending to the encouragement of reading, as it shall deem expedient. The said State Library Commission shall have power to make all rules and by-laws for its own government. The said Commission shall, in the month of January in each year in which there is a regular biennial session of the General Assembly of this State, make report to said General Assembly of its doings and of any recommendations deemed advisable [Code 1915, 935]

D. SCHOOL DISTRICT LIBRARIES

(Delaware Rev Code, 1935, p 237-242, ch 34, 1047-s 4 to 1063-s 20; as amended by Senate Bill 158, 1941)

1047 Sec 4 **School districts may receive and hold donations for library purposes.** Any School District in this State may receive and hold any devise, bequest or donation for the foundation and establishment or for the maintenance, support and increase of a free public library within the same [37 Del Laws, ch.71, 1]

1048 Sec 5. **Free public libraries for school districts; how established and maintained.** Any School District in this State is authorized and empowered to establish and maintain a free public library, with or without reading room, provided either, that such establishment be approved at an election as hereinafter provided, or that funds for the maintenance and support of the library be donated or guaranteed as provided in Section 11 of this Chapter. [37 Del Laws, ch 71, 2]

1049 Sec. 6. **Classification of school districts.** For the purposes of this Chapter, all the School Districts in this State are classified as follows:

Every District with a population of Four Thousand (4000) or more shall be deemed a District of the First Class, every District with a population less than Four Thousand (4000), but not less than Three Thousand (3000), shall be deemed a District of the Second Class, every District with

a population less than Three Thousand, (3000), but not less than Twelve Hundred (1200), shall be deemed a District of the Third Class; every District with a population less than Twelve Hundred, (1200), shall be deemed a District of the Fourth Class. [S.B.158, 1941.]

1050. Sec. 7. **District free library; electors to decide upon establishment of; election, when held; notice of; how petitioned for.** Every Board of Education or Board of School Trustees shall submit the question as to the establishment of a free public library in the School District under the jurisdiction of the Board to the qualified Electors of such District, at a special election to be called by said Board whenever petitioned so to do by twenty (20) or more Electors of the District. Such special election shall be called by the Board for a day not later than sixty (60) days after such petition. The said Board shall give notice of the day or place and purpose of such special election by printed or written advertisements posted in at least five (5) public places in the District at least ten (10) days prior to the day of such election. In case the Board shall neglect or refuse to give such notice, any qualified elector of the District may do so and the notice so given shall be as effectual as though given by said Board [S B 158, 1941]

1051. Sec. 8. **Election, conduct of; voting; qualification of voters; certified results.** The Board of Education or Board of School Trustees shall appoint the persons to conduct the election, but if the Board shall neglect or refuse to make such appointment, the Electors assembled at the polls may do so. All persons in the School District entitled to vote at a school election in the School District shall be entitled to vote at such election. The voting shall be by ballot, on which shall be written or printed the words "for a free library," or the words "against a free library." A majority of the votes cast at such election shall determine the question. The persons conducting the said election shall certify the result of said election to the Board of Education or the Board of School Trustees of the District [S.B 158, 1941.]

1052. Sec. 9. **Subsequent elections.** If a majority of the ballots cast as aforesaid shall be against the establishment of a free library, the question as to such establishment may again be submitted at special elections to be called as hereinbefore provided, whenever such special election shall be petitioned for as aforesaid, provided that not more than one special election for such purpose shall be called in any one district in any one year. [Code 1915, 941]

1053. Sec. 10. **Taxation to establish and maintain library, when; by whom; amount in each class or district; limit of; taxes, how levied and collected.** If at any election, the qualified Electors shall, in the manner aforesaid, declare in favor of the establishment of a Free Public Library in the District, the Board of Education or Board of School Trustees of the School District in which the election was held is hereby authorized, empowered and required to levy and raise by taxation, in each year, for the

purpose of the establishment of such a library therein, and/or for the maintenance, increase and support of said library, such sum of money as the District Library Commission of the District shall certify to the Board of Education or Board of School Trustees as proper or necessary for the expenses of the library for the year in which such sum is to be levied and raised as aforesaid, provided that the sum so certified shall be not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5000.00) if the District be a District of the First Class, or not less than Five Hundred (\$500.00) nor more than Two Thousand Dollars (\$2000.00), if the District be a District of the Second Class, or not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1000.00), if the District be a District of the Third Class, or not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), if the District be a District of the Fourth Class; the class to which the District belongs being determined by the classification as set forth in Section 6 of this Chapter

All sums authorized to be levied and raised by taxation under this Chapter shall be levied, raised and collected as follows:

The Board of Education or Board of School Trustees shall cause to be made from the assessment Records of the County in which the District is located a list of all the taxables of the District showing the property assessed against such taxables and the assessment of such property. There may also be added a poll tax on all persons twenty-one (21) years of age and upwards, residing in the District, of such amount as shall be determined by the Board

A copy of the assessment list shall be posted in such public place of the District for inspection and the Board shall advertise such posting in at least five (5) public places of the District, giving notice that such list is posted and where, and the day, hour and place (not less than five (5) days thereafter) of their sitting to hear objections. Upon such hearing the said Board shall make such correction and additions as shall be right and proper.

Upon the completion of the assessment, the Board shall fix the rate sufficient to raise the amount determined to be raised at the time with an addition of ten per cent added thereto for delinquencies and costs of collection. The Board shall then execute and deliver its warrant with a duplicate of the assessment list to the collector specially appointed by the Board. Such collector shall be appointed by the Board and shall be required to give such bond as shall be required by the Board. The Board may appoint as such collector the official whose duty it is to collect County taxes in the County wherein the District is situated, and in such case, it shall be a duty of such official to act as the collector for the District. In collecting the said tax, the collector shall proceed in the manner and have all the powers of the collector of county taxes. He shall pay over all

moneys collected by him to the Board, as collected and shall finally account to said Board when required to do so. Said Board shall in such final accounting allow such delinquencies and errors as are right and proper to be allowed and shall pay such collector a proper compensation for his services. The moneys raised by such levy shall be paid over to the Treasurer of the District Library Commission of the District.

If a collector appointed by any Board of School Trustees or Board of Education, or any member or members of any Board of School Trustees or Board of Education shall fail, neglect or refuse to perform all or any of the duties imposed upon him or them by this Act, he or they shall be deemed guilty of a misdemeanor and upon conviction thereof before a Justice of the Peace shall be fined not less than ten dollars and not more than one hundred dollars [S B 158, 1941]

1054 Sec 11 District free public library; how created; upon donation or guarantee. Whenever the Board of Education or Board of School Trustees of any School District in this State shall be guaranteed, for the maintenance and support of a free public library in such District, a sum equal to the minimum amount required to be raised by a District of its class under Section 10 of this Chapter, for one year, the Board of Education or Board of School Trustees of such District shall declare a free public library to be established therein, and shall proceed to name a district library commission as provided in Section 12 of this Chapter. Such guarantee may be by gift or devise of money or securities, or other valuable property, or by subscription lists, or by other plan approved by the State Library Commission, provided that said guarantee has the sanction of the said State Library Commission. [S B.158, 1941.]

1055 Sec 12 District Library Commission; how created; when; number of; terms of office of: first commission; eligibility to serve on commission. That the general administration and supervision of each free public library established under the provisions of this Chapter shall be vested in a district Library Commission which shall be composed of five members appointed from the residents of the School District wherein such library is established by the Resident Judge of the superior Court of the State of Delaware of the County in which the School District is located. In case a district is located partly in each of two Counties, the appointments shall be made alternately by the Resident Judges of the two Counties, the first appointment being made by the Resident Judge of the County in which the greater number of residents of the School District live. Upon the establishment of a new library, the said Judge shall appoint one member for the term of one year, one member for the term of two years and three members for the term of three years. Annually thereafter the said Judge shall fill vacancies in District Library Commissions caused by the expiration of the term of office of its members. The term of office of a member of a District Library Commission shall be three years. A vacancy occurring from

any cause other than expiration of the term of office shall be filled by the Resident Judge for the unexpired term. [S B 158, 1941]

1056. Sec 13 District Library Commission; organization; officers; librarian; meetings. A District Library Commission shall organize by electing from its members a president, secretary and treasurer. The secretary and treasurer may be one and the same person.

The Commission shall elect a Librarian and other employees necessary for the proper conduct of the library The commission shall have power to fix the compensation of its employees

The Commission shall meet at least quarterly in each year The Commission shall have power to adopt a rule that the failure of any member to attend a specified number of meetings of the Commission shall create a vacancy in the office of such member. [S B 158, 1941]

1057 Sec 14 District Library Commission; powers; reports; rules and enforcement thereof; fines; how collected and how disposed of. The District Library Commission so elected as aforesaid shall have the entire custody and management of the library and all property owned or leased, or donated, relating thereto, and all money raised by the district or donated for its establishment and maintenance, or paid by the State Treasurer, as hereinafter provided, shall be placed in the care and custody of said Commission to be expended or retained by said Commission for and in behalf of the district for the foundation and establishment and for the maintenance and increase of its free public library

The Commission shall make an explicit report to the district at each annual school meeting of all its receipts and expenditures, and of all the property of the district in its care and custody, including a statement of any unexpended balance of money, and of any bequests or donations in behalf of the district, and of any sum or sums received from the State as hereinafter provided, with such recommendations with reference to same as is deemed necessary for the district to consider

The said Commission shall also make such reports and recommendations to the Board of Education or School Committee of the District, as it shall deem proper or advisable The said District Library Commission shall also make such reports, at such times and embracing such matters, to the State Library Commission created by this Chapter as the said State Library Commission shall order and direct

The said District Library Commission shall also have the power to procure by purchase, lease or acceptance of a gift or donation, a room or rooms for said library, and to fit and furnish the same for a library, or a library and reading room, to provide for the heat and light in the same, and the care thereof; and may, with the consent of the Board of Education or the School Committee, use any school room or rooms for this purpose; to purchase or accept donations or gifts of books, magazines, newspapers and reviews; to employ a librarian or librarians and a custodian, and

caretaker, and shall have such further and additional powers in the premises as are or may be deemed necessary for the foundation and establishment, and the support and maintenance of a library, or a library and reading room

The said Commission shall also have the power to make such rules and regulations for the conduct of the persons employed by it, and for the care and use of the books, newspapers, magazines and reviews in said library by the persons having authority to use said library, and also concerning the conduct and deportment of all persons while in or about said library or reading room, as said Commission shall or may from time to time deem proper and advisable; provided, the use of said library and reading room or the contents thereof shall be free to said district, or to any person outside the district who owns real estate assessable for the school of the district. The rules and regulations so made by said Commission shall be enforceable by a penalty which the Commission is authorized to impose.

Such penalty shall consist either of a suspension from the privileges of said library or library and reading room and the contents thereof, or by a money fine. All money fines imposed as aforesaid may be collected by proceedings instituted in the name of the District before any Justice of the Peace of the County, and jurisdiction to hear and finally determine all such proceedings is conferred upon any and all Justices of the Peace. The process, mode of proceeding and rendering of judgment shall be as now is, or hereafter may be provided by law for the collection of fines before Justices of the Peace.

All fines so collected shall be paid to the district and by it paid over to the District Library Commission to be used as other money of which it has the custody and care as hereinbefore provided. [Code 1915, 946]

1058. Sec. 15. Non-Residents of district; use of library by; on what terms. In addition to its other powers, the District Library Commission may, if it deem proper, permit persons living without the corporate limits of said district, to enjoy and use said library or library and reading room exactly as though residents of said district, upon the payment to said Commission for the use of the library such fee or fees as said Commission shall deem proper. [Code 1915, 947.]

1059 Sec. 16. Consolidation of two or more districts for library; how effected. Any two or more School Districts may unite for the purpose of obtaining the benefit of this Chapter. Whenever any School Committee of any such Districts shall be petitioned therefor by at least five qualified electors thereof, said Committee shall arrange with the School Committee of any other of said districts for the holding of a special election to determine the question. At such election, any qualified elector in any one of said Districts shall be entitled to vote at said special election. If a majority of the votes then cast shall be in favor of uniting and establishing a free library for said Districts, the same shall be deemed and taken to be effected. The Districts so united shall be taken to be one district for the purpose of this Chapter, and shall be considered as belonging to the class which any one

of said Districts would have belonged to if there had been no union. [Code 1915, 948.]

1060. Sec 17. **State funds payable to school districts for library purposes; when.** Whenever the State Library Commission shall certify to the State Treasurer of the State of Delaware that any School District in this State has established a free public library therein, and has raised by taxation, subscription, gift or otherwise, a sum not less than the minimum sum prescribed by Section 10 of this Chapter for the class to which such District belongs, for the support and maintenance of said library for the year then next ensuing such establishment, said State Treasurer shall pay to the district Library Commission of any such School District a sum equal to one-half ($\frac{1}{2}$) of the sum certified by the State Library Commission as aforesaid; and each year thereafter, the said State Treasurer shall pay to said District Library Commission a sum equal to one-half ($\frac{1}{2}$) of the sum certified to the said State Treasurer by the State Library Commission as having been raised by taxation, subscription, gift, or otherwise during the year, in which the State Treasurer is to make such payment for the maintenance and increase of the District Library for such year. Provided, however, that the State Treasurer shall not in any one year pay to any District Library Commission any sum in excess of \$500 00 if the District belongs to the first or second classes, nor in excess of \$300 00 for a district of the third class, nor in excess of \$150 00 for a district of the fourth class. All such sums, paid to any district Library Commission by the State Treasurer as aforesaid, shall be expended by such district library commission for books. A list of such books must be submitted before purchase to the State Library Commission for approval. If any District Library Commission shall neglect or refuse to expend all moneys received by such District Library Commission from the State Treasurer as aforesaid for books approved by the State Library Commission, then and in such event the State Library Commission is authorized and empowered to refuse to issue a certificate to the State Treasurer for any further or other payment to the District Library Commission so neglecting or refusing as aforesaid.

The payments shall be made quarterly in four equal installments. Each payment shall be made on certification of the State Library Commission [S. B. 158, 1941.]

1061. Sec 18 **School District and District defined.** The words "School District" and the word "District" shall be deemed and held to mean all kinds of school districts in this State, those that are special school districts and those that are not special school districts [37 Del. Laws, Ch 71, 10.]

1062 Sec 19. **Dover Library vested in Dover Special School District; Corbit Library entitled to benefits of section seventeen.** The free public library heretofore established in the Town of Dover is transferred to and made the free public library of the Dover Special School District, and all the rights, powers, privileges and duties prescribed by this Chapter for

free libraries to be established under its provisions, shall immediately vest in the library so transferred, and in the said Dover Special School District, and in the Board of Education thereof, and in the local library commission having control thereof, precisely as if said free library had been established in said Dover Special School District in the first instance.

The free library known as the "Corbit Library" provided for under Chapter CCCCXVI of Volume 11 of the Laws of Delaware is made a School District Library for the purpose of receiving all benefits provided in Section 17 of this Chapter. For the purpose of ascertaining what appropriation said Library shall receive under said Section from the State Treasurer, said Corbit Library shall be deemed and taken to be a library established under the provisions of this Chapter in a School District of the Third Class; but in all other respects said Corbit Library shall remain and continue as though this Chapter had not been passed. [Code 1915, 950.]

1063 Sec. 20. **District library commissioners; borrowing of money by; method of; election for; resubmission of question form or bonds; limit of amount; bonds how executed; security for loan; taxation for payment of interest and principal; sinking fund.** Under the circumstances and conditions hereinafter set forth, money may be borrowed in aid of any free public library in this State now or hereafter established.

(1) The district library commission or other governing board of a free public library in aid of which money is desired to be borrowed shall adopt a resolution to the effect that it deems it advisable that a specified sum of money be borrowed for some specified purpose or purposes.

(2) The said commission or board shall submit the question of the approval or rejection of said resolution to the qualified voters of said district at any annual meeting at which members of the district library commission are elected or at a special meeting called for the purpose.

(3) The said commission or board shall give notice that the said resolution will be submitted to the voters as aforesaid. Such notice shall be given by publication in two issues of a newspaper published in the library district (or if no newspaper is published in the said district, then in some newspaper published in the county) and by printed advertisements posted in at least five public places in the district at least ten days prior to the date of the annual meeting or special meeting at which the resolution will be submitted to the voters as aforesaid. The said notice shall state the substance of the resolution aforesaid, and the day, hour, and place that it will be submitted to the voters aforesaid.

(4) The said Commission or board shall appoint the persons to conduct the election. The polls shall remain open at least two hours. All persons in the school district entitled to vote at a School election in the School District shall be entitled to vote at such election. The voting shall be by ballot on which shall be written or printed the words "for the resolution in aid of the library" or "against the resolution in aid of the library."

(5) If a majority of the votes cast be for the resolution in aid of the library, authority to borrow the amount of money specified in the resolution aforesaid shall be deemed to be thereby conferred. If a majority of the votes cast be against the resolution in aid of the library, the money shall not be borrowed, and the question shall not be submitted again to the voters during that same school year.

(6) The said commission or board shall certify the result of said election to the Board of Education having the management of the public schools of the district.

(7) If the results of the said election be for the resolution in aid of the library as aforesaid, the said Board of Education is hereby authorized and required to borrow the amount specified in the resolution aforesaid, and for this purpose may issue a bond or bonds for said amount. Such bond or bonds shall be in such form and denomination and shall bear such date and be at such rate of interest, not exceeding six per centum per annum, and shall mature at such time or times as said Board of Education shall determine; provided always, however, that the amount of any sums borrowed under the provisions of this Section shall not exceed the sum of Twenty-five Thousand Dollars for any one district. Any bond issued as aforesaid shall be signed by the President of the Board of Education aforesaid and attested by its Secretary or Clerk, and in case said Board of Education shall have or use a common seal, shall be sealed with the same, but in the absence of such common seal, the word "SEAL" with a scroll around the same shall be deemed and taken to be the seal of the district. The faith and credit of the school district wherein the library aforesaid is situated shall be deemed to be pledged by every bond issued under the provisions of this Section.

(8) Whenever any bond or bonds shall have been issued under the provisions of this Section, the Board of Education having the management of the public schools of the district shall annually raise by levy and taxation a sum sufficient for the payment of the interest on the amount or amounts so borrowed, and shall likewise raise from time to time by levy and taxation such sum or sums as shall be necessary to establish a sinking fund for the payment of the debt secured by said bond or bonds at or before the maturity thereof. The sums authorized to be raised for interest and for a sinking fund as aforesaid shall be raised in the same manner as school taxes in said district are raised, and shall be in addition to all sums authorized to be raised by said district by any other statute.

(9) All moneys borrowed as aforesaid shall be paid by the Board of Education aforesaid to the district library commission or governing board of the said free public library. The purpose or purposes, for which the money aforesaid shall be by the said district library commission or governing board directed to be paid as aforesaid, may be for the purchase of a building for the library and for the alterations or repair thereof, or of a site for such building and for the erection of a building thereon, or for the improvement

and repair of any library building owned by such district, and/or for the purchase of library furniture and equipment and/or for the purchase of books for the library. In case any corporation, club, society, organization, or association shall desire to have the use of some part or portion of the library building not required for the library purposes and will agree in consideration for permission to use such part or portion of said building to pay a rental or to contribute a reasonable amount toward the purchase of the library building or toward cost of the erection of a library building and/or toward the cost of the maintenance of the library, the district library commission or governing board shall have the right and power to make or enter into a lease, contract, or other agreement accordingly [S B. 158, 1941.]

E. COUNTY LIBRARIES (NEW CASTLE COUNTY)

(Delaware Rev Code, 1935, p 266, ch 43, 1177-s 31 as amended by Laws, 1937, p 244, ch 109)

1177 Sec 31. Appropriation for free library in New Castle County outside of Wilmington; limit of amount.

(1) The Levy Court of New Castle County hereby is authorized and empowered to appropriate public moneys toward the maintenance and support of a free library for the use of residents of New Castle County outside of the City of Wilmington and for all purposes incident thereto in amounts not to exceed in any one year the sum of Twenty Thousand Dollars [Approved March 18, 1937]

(2) The Wilmington Institute, a corporation of the State of Delaware, hereby is authorized and empowered to administer a free library for the use of the residents of New Castle County outside of the City of Wilmington, and to perform all functions incident thereto, such functions to be in addition to those now devolving upon The Wilmington Institute under existing laws and to be paid for with other funds than those received from the City of Wilmington

(3) The Levy Court of New Castle County and The Wilmington Institute hereby are authorized and empowered to enter into continuous contracts, pursuant to resolutions of their respective bodies, with each other and with other persons or corporations whether public or private, respecting payments of money to be made toward the maintenance and support of a free library for the use of the residents of New Castle County outside of the City of Wilmington [36 Del Laws, ch 112]

F. COUNTY LAW LIBRARIES

(Delaware Rev Code, 1935, p 901, ch 108, 4253-s 19, 4254-s 20, *Ibid.* p 910, ch 116, 4314-s 5)

4253 Sec. 19. Law books for use of judges in New Castle County; appropriation by Levy Court; how expended. The Levy Court of New Castle County is authorized and required to appropriate annually such sum as it

may deem expedient, not exceeding one hundred and fifty dollars, to be expended under the direction of the Associate Judge for said County, for the purchase of law books for the use of the Courts of said County. [Code 1915, 3700.]

4254 Sec. 20. Additional law book fund; forfeited bail bonds and recognizances and one half of fines; how expended. The Chancellor, Chief Justice and Associate Judges shall have control of and power to expend, and entire control and supervision over the law library purchased with the monies derived and applicable to the purchase of law books, under the provisions of Section 5 of Chapter 115 [Code 1915, 3701]

4314. Sec 5 Bail bonds and recognizances in New Castle and Sussex counties; judges' library; proceeds of bail bonds and one-half of fines in criminal cases in New Castle and Sussex counties, devoted to; funds so created; prothonotaries; custodians; by whom expended; supervision of libraries. All monies recovered upon forfeited bail bonds and recognizances taken for appearance in the Court of General Sessions of the State of Delaware, in and for New Castle and Sussex Counties and in the Court of Oyer and Terminer of the State of Delaware, in and for New Castle and Sussex Counties, and fifty per cent of all moneys paid as fines by persons sentenced for crime in either of said Courts, shall be set apart and kept in a fund which shall be used from time to time to acquire, maintain and care for law libraries for the use of the Judges of the Courts in New Castle and Sussex Counties respectively.

The Prothonotary of New Castle County and the Prothonotary of Sussex County shall be the custodians of said funds in their respective counties, and every officer of this State, or of New Castle and Sussex Counties, respectively, to whom shall be paid any moneys by this Section made a part of either of said funds, shall pay the same, when and as received, to said respective Prothonotaries of New Castle and Sussex Counties as said custodians

Said Prothonotaries shall keep such funds subject to the order and control of the Chancellor, Chief Justice and Associate Judges of the State of Delaware, who shall use and expend such funds from time to time for the acquisition and maintenance of the law libraries provided for in this Section

Said Judges shall have entire control and supervision over said law libraries, with full power to purchase books and to do any and all acts necessary or desirable for the acquisition, maintenance and care of said law libraries, and may use said funds for such purpose.

Said funds shall be expended by the respective Prothonotaries, for the purpose aforesaid, upon the written order or orders of any two of said Judges, and such order or orders shall be his sufficient warrant in this behalf [28 Del Laws. ch.235.]

G. PROTECTION OF LIBRARY PROPERTY

(Delaware Rev. Code, 1935, p.848, ch.100, 3989-s.94, 3990-s.95)

3989. Sec. 94. Injury to contents of library or museum, a misdemeanor; penalty. Whoever, having access to or being in possession of any book, magazine, newspaper, pamphlet, manuscript, map, chart, plan, painting, picture, engraving, photograph or other work of literature or object of art, science, mechanical skill or curiosity owned by or deposited in any library incorporated by or organized under the laws of this state, or in the library, cabinet or museum or any educational institution, or the Historical Society in this state, shall wilfully or maliciously cut, mark, mutilate, deface, soil, obliterate, break, destroy, or in any-wise injure the same, write in or upon the same, or procure the same to be done, or shall wilfully deface any label, tag, book-plate, book, card, or book-pocket, or the library marks or numbers of the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding twenty-five dollars or imprisoned not exceeding six months, or both, at the discretion of the Court. [Code 1915, 3509.]

3990. Sec. 95. Detention of book, etc.; after notice to return, a misdemeanor; penalty. Whoever wilfully detains a book, newspaper, magazine, pamphlet, or manuscript which belongs to a public or incorporated library for thirty days after a notice in writing from the librarian thereof, given after the expiration of the time which, by the regulations of such library, such book, newspaper, magazine, pamphlet, or manuscript may be kept, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one nor more than twenty-five dollars or by imprisonment for not more than thirty days [Code 1915, 3510.]

FLORIDA

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A. STATE LIBRARY

(Florida Comp. Gen. Laws 1927, v.1, p 643-645, s.1687-1694)

Sec. 1687. **Created; administration.** There is hereby created and established the State Library of the State of Florida which shall be located at the State Capitol. Said State Library shall be administered and conducted by a board of three members to be known as the State Library Board to be constituted and appointed as hereinafter provided.

Sec. 1688. **Library board; appointment; terms.** The members of said Board shall be appointed by the Governor, one for a term of one year, one for two years, and one for three years. Thereafter the members shall be appointed by the Governor for terms of four years. All vacancies that may occur by resignation or otherwise shall be filled by the Governor for the unexpired term. Members shall serve without compensation. No member of the Board shall be engaged or interested in the publishing or book selling business.

Sec. 1689. **Same; organization; librarian; powers and duties.** The officers of the Board shall be a Chairman, elected from the members thereof, for a term of one year, and a Secretary, who shall act as Librarian of the State Library and who shall be a person trained in modern library methods, not a member of the Board. The Secretary shall be appointed by the Board and shall serve at the will of the Board under conditions and for such compensation as shall seem adequate.

Said Secretary shall keep a record of the proceedings of the Board; keep accurate account of its financial transactions; have charge of its work in organizing and conducting the State Library; in organizing new libraries

and improving those already established; and in general perform such duties as may from time to time be assigned to him or her by the Board.

The Board shall be authorized to employ such other clerical and expert assistance as may be necessary.

Sec. 1690. Books, etc., received; additional powers. All books, pictures, documents, publications and manuscripts received through gifts, purchase, or exchange, or on deposit from any source for the use of the State, shall constitute a part of the State Library, and shall be placed therein for the use of the public, under the control of the State Library Board. The Board may receive gifts of money, books or other property which may be used or held for the purpose or purposes given, and may purchase books, periodicals, furniture and equipment as it deems necessary to promote the efficient operation of the service it is expected to render the public.

The Board may upon request give assistance, advice and counsel to all school, state institutional, free and public libraries, and to all communities in the State which may propose to establish laboratories (libraries), as to the best means of establishing and administering them, selecting and cataloging books and other details of library management.

The Board may issue printed material such as lists and circulars of information and in the publication thereof may co-operate with other State Library, Commissions and Libraries in order to secure the more economical administration of the work for which it is formed. It may conduct courses of library instruction and hold librarians' institute in various parts of the State.

Said Board shall perform such other services in behalf of the State public libraries as it may consider for the best interest of the State

Sec. 1691. Exchanges. The Board shall be supplied with sufficient copies of all annual, biennial and special reports of State Departments, boards and institutions, findings of all investigation committees, bulletins, circulars, bound legislative journals, and similar State printing, for distribution and exchange when consistent with the best interest of the State

Sec. 1692. Biennial report; printing. The Board shall prior to March first of each year during which shall be held a regular session of the Legislature make a biennial report to the Governor, which report shall show the condition of the State Library and Library conditions and progress in Florida and shall contain a detailed statement of the expenses of the Board. This report, when printed, shall be presented to the Legislature and distributed by the Board. This report and other printing and binding for the Board shall be printed under the same regulations as other reports of the executive officers of the State.

Sec. 1693 Expenditures. All disbursements by the Board shall be paid by the Comptroller by warrants on the State Treasurer, after being approved by the Board, and signed by the Chairman and countersigned by the Secretary of the Board.

Sec. 1694. **Appropriations.** To carry out the provisions of this Article, the sum of Six Thousand Dollars is hereby appropriated for the year June 30, 1925, to June 30, 1926, and Six Thousand Dollars for the year, June 30, 1926, to June 30, 1927, and thereafter the Board shall submit to each Legislature their budget for maintenance as a basis for further appropriations

B. SUPREME COURT LIBRARY

(Florida Comp. Gen. Laws 1927, v 2, p.2084-2090, 2093, 2094, s 4698, 4700, 4717, 4718, 4728-4732)

Sec. 4698 **Librarian; duties.** (1) To be librarian—The clerk of the Supreme Court shall be librarian of the Supreme Court Library.

* * * * *

Sec. 4700 **Same; compensation.** The clerk of the Supreme Court shall, as librarian, receive a per diem equal to the sum of three hundred dollars per annum for his services * * *

Sec. 4717 **Sale of reports.** * * * The clerk of said court is authorized to receive from the contractor printing them and to sell volumes of such [Florida] reports * * *

Sec 4718 **Same; disposition of proceeds.** The said clerk, after paying for the binding of such volumes as may be bound, shall, under the direction of the Supreme Court, expend the proceeds of the volumes sold by him for rebinding such worn books as may be rebound, for the purchase of such new books as may be required by said Justices to be purchased for the library, and for such incidental expenses as may be necessarily incurred in connection with the office of librarian of the court, and shall pay the residue thereof into the State treasury on the first day of January, April, July and August of each year

Sec 4728 **Acquisition of books.** (1) By purchase.—For proceeds of sales of reports, see Sec. 4717

(2) By exchange —Such numbers of reports, statutes and journals as shall be obtained by the chief justice, upon his request, from the Secretary of State, shall be exchanged by the librarian with appropriate authorities of the United States and other States and Territories for corresponding numbers of their reports

Sec 4729 **Custody of the library.** The library is placed in the custody of the librarian, but under the exclusive control and supervision of the Supreme Court. It shall be kept in a room connected with the Supreme Court room at the capitol, and in no instance shall the books be taken from the capitol

Sec. 4730. **Report of condition of library.** The librarian shall prepare and file in his office a list of the books in the library under his control on the first day of January and July of each year, and in such list he shall show what books have been lost from the library since his last return, as well as what additional books have been received.

Sec. 4731. Disposition of duplicates. That the justices of the Supreme Court of the State of Florida may direct the clerk of said court to sell or exchange, on terms to be approved by the justices, duplicate volumes of books in any form, other than Florida Reports, that have accumulated or may accumulate in the Supreme Court library, and the books that may be received in such exchange shall become the property of the library and accounted for as such, and the money derived from said sale shall be reported by said clerk to the justices and invested under their direction in other books for said library.

Sec. 4732. Transfers to other departments. That the Supreme Court is hereby authorized to deliver to the Attorney-General any of the above books that he may desire for use in his office, and is further authorized to deliver to any other department of the State Government any of the books which may properly belong to such department and to take receipts accordingly.

C. UNIVERSITY OF FLORIDA LIBRARIES

(Florida Comp Gen Laws, 1927, p 272, 276, s 779-781, 793)

779. Extension work authorized. The State Board of Control is hereby empowered and directed to extend the outside work of the educational institutions under its direction into all fields of human endeavor which, in its judgment, will best accomplish the objects herein expressed. [Ch. 7915, Acts 1919, s.1]

780. Board to gather information. It shall be the duty of the Board of Control to gather information on all subjects useful to the people of Florida, and to carry it to them in ways that will help them most in the shortest time; to spread knowledge among them by taking it to them in an attractive way; to stimulate thought and encourage every movement among the people for their mutual improvement. [*Id.* s.2.]

781. Authority of board to enlarge work of extension divisions. To carry out the provisions of this law, the Board of Control is hereby empowered to enlarge the work now done by the Extension Divisions of the University of Florida, and the State College for Women, as it may from time to time deem advisable, and to employ all needful persons and appliances to carry on the work in the most efficient manner. [*Id.* s.3.]

793 (624). Certain books to be furnished by clerk of Supreme Court. The clerk of the Supreme Court of the state of Florida is hereby authorized and directed to furnish the Board of Control three bound copies of each volume of the Florida Supreme Court reports as the same are issued and published, for the use of the school of law of the University of Florida. The said clerk of the Supreme Court is further authorized and directed to transmit to said school of law any law books coming into his possession for the Supreme Court which are not necessary for said court. The clerk of said court is to furnish said Supreme Court reports, and said law books, without

cost to the Board of Control or the said law school. [Ch. 6170, Acts 1911, s.2. revised.]

D. COUNTY LIBRARIES

(Florida Comp. Gen. Laws, 1936, Perm. Suppl., v 2, p.1235-1237, s.2934(5)-2934(14); as amended by Acts of 1941, ch.20, 918.)

Sec. 2934 (5). County Commissioners may maintain free public library. The board of County Commissioners of the several counties of the State of Florida shall have the power to establish, operate and maintain a free public library or free library service for that county. [Acts 1931, ch.14756, s.1.]

Sec. 2934 (6). Notice of meeting of Commissioners to pass on question. The board of County Commissioners in any county, before taking action to provide for the establishment, operation and maintenance of a free library or free library service in such county, shall cause notice of such contemplated action to be given by publication designated by such board, published in such county, giving the date of the meeting at which such action is proposed to be taken. [*Id.* s.2. Am. by L. 1941, ch.20, 918]

Sec. 2934 (7). Library board to administer library. When in any county the board of County Commissioners thereof shall have determined to establish, operate and maintain for such county a free library or free library service, such library or library service shall be administered by a library board composed of five members who shall be citizens of the county, of either sex, appointed by the governor of the State. Of the board first appointed, one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years. Thereafter, upon the expiration of the terms of the members so appointed, successor members shall be appointed for terms of four years. A vacancy in the membership of the county library board shall be filled for the unexpired portion of the term by the Governor of the State. [*Id.* s.3.]

Sec. 2934 (8). Organization of library board and its powers and duties. The members of the library board shall meet and organize within thirty (30) days after the appointment and annually thereafter, and shall elect one member president, another secretary and another treasurer, whose duties shall be those usually pertaining to said respective offices. The library board shall have power and authority to establish rules and regulations for its own government and that of the library or library service not inconsistent with law, and shall have authority to elect and employ a librarian and such assistants or employees as to said board may seem reasonable and proper, and to fix their salaries, duties and compensation. [*Id.* s.4.]

Sec. 2934 (9). Reports of board. It shall be the duty of the president of the library board of every county having a library or library service under the provisions of this Act, to make annual reports to the board of County

Commissioners of said county, giving such statistics and other information as may be required by said county board. [Id s.5.]

Sec. 2934 (10). **Method of furnishing free library service.** In carrying out the provisions of this Act, the board of County Commissioners of any county may either acquire and provide for the maintenance and operation of a free library for the county, or may provide free library service to the citizens of the county by entering into a contract or contracts therefor with any municipality in said county owning a public free library, or with any other county or municipality in this State owning a public free library. In every case, such free library or free library service shall be open to all citizens of the county [Id. s 6, am by L. 1941, ch.20, 918]

Sec. 2934 (11). **Title to library to be in county.** When under the provisions of this Act, the board of County Commissioners of any county shall establish any free library for such county, the title and ownership of such library shall be in the county. [Id s 7.]

Sec. 2934 (12) **Tax levy authorized to maintain library service.** When the board of County Commissioners of any county in this state shall have determined, under the provisions of this Act, to establish, operate and maintain any free library or free library service for such county the Board of County Commissioners of such county shall be authorized annually to levy a tax not exceeding one mill upon all the taxable property within such county not already taxed for library purposes, for the purpose of providing the funds required to pay the expenses of the operation and maintenance of such free library or free library service. The expenses incurred by the county library board shall be paid by warrants drawn by said board of county commissioners, payable out of the tax levied and collected therefor, and no indebtedness incurred by said library board shall be payable otherwise than out of the tax so collected, or out of funds obtained by such County Library Board from donations or allocations made to such Board for library purposes [Id s 8; am. by L. 1941, ch 20, 918]

Sec. 2934 (13). **Referendum to pass on question of free public library.** No free library or free library service shall be provided for under the terms of this Act in any county until in such county there shall have been held an election for the acceptance or rejection of the provisions of this Act. The board of county commissioners of every county in this state shall be authorized to order and cause such election to be held after publication of notice of such election given by said County board fixing the time and places where the same will be held, once each week for four successive weeks in one or more newspapers published in such county, to be designated by the board of County Commissioners. Such election shall be held in accordance with the general election laws. If at any such election the majority of the votes cast in such county shall be in favor of the acceptance of the provisions of this Act, thereafter the provisions of this Act shall be available and operative in said county, but not otherwise [Id. s 9]

Sec. 2934 (14). **Petition of electors to hold an election.** It shall be the duty of the board of county commissioners of each county in this State, when a petition shall have been filed with said board, signed by twenty-five per cent of the qualified voters of said county, requesting the holding of an election of the character mentioned in the preceding section of this Act, to thereafter forthwith order and cause to be held such election [Id. s.10.]

E. MUNICIPAL LIBRARIES

(1) GENERAL PROVISIONS

(Florida Comp Gen Laws, 1927, p 1097-1100, s 2986-2996)

Sec. 2986 **Establishment and maintenance.** Whenever the city or town council of any incorporated city or town in this State shall deem it advisable to establish and maintain a public library and reading room free for the use of the inhabitants of such city or town, they shall call an election to decide whether such public library and reading room shall be established in said city or town, and, if a majority of the registered voters of such city or town, at such an election, shall vote in favor of establishing and maintaining such public library, the city or town council of such incorporated city or town shall establish the same, and may levy a tax of not more than two mills on the dollar annually to be levied and collected in like manner as any other taxes of said city or town, and to be known as the "Library Fund "

Sec 2987. **Library board.** When any city or town council shall have decided by ordinance to establish and maintain a public library and reading room, they shall elect a library board to consist of five directors, to be chosen from the citizens at large, of which board neither the mayor nor any member of the city or town council shall be a member. Such directors first elected shall hold their office, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, from the first day of July following their appointment, and one director shall be chosen annually thereafter for the term of five years; and in cases of vacancies by resignation, removal or otherwise, the council shall fill such vacancy for the unexpired term, and no director shall receive any pay or compensation for any service rendered as a member of such board, and such directors shall give such bond as the council may require. Such directors shall, immediately after their appointment, meet and organize by electing one of their number president, and such other officers as may be necessary.

Three of such board shall be a quorum. They shall have power to make and adopt such by-laws, rules and regulations for their own guidance, and for the government of the library and reading room as they may deem expedient, subject to the supervision and control of the city or town council, and not inconsistent with law. They shall have exclusive control of expenditure of all moneys collected or donated to the credit of the library fund, and of the renting or construction of any library building, the supervision, care and

custody of the grounds, rooms or buildings constructed, leased or set apart for the purpose. [State ex rel. West v. Grable (1916) 72 Fla. 61, 72 So. 460.]

Sec. 2988. Funds. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of any public library, shall be kept for the use of such library, separate and apart from all other funds of said city, town or village, and shall be drawn upon and paid out by the treasurer of such city, town or village, upon vouchers signed by the president of the library board and authenticated by the secretary of such board, and shall not be used or disbursed for any other purpose or in any other manner.

Sec. 2989. General powers of board. The library board shall have power to purchase or lease grounds; to erect, lease or occupy an appropriate building or buildings for the use of such library; to appoint a suitable librarian and assistants; to fix their compensation and to remove their appointments at pleasure; and shall have power to establish regulations for the government of such library as may be deemed necessary for its preservation, and to maintain its usefulness and efficiency, and to fix and impose by general rules, penalties and forfeitures, for trespasses or injury to the library grounds, rooms, books or other property, or failure to return any book, or for violation of any by-laws or regulation; and shall have and exercise such power as may be necessary to carry out the spirit and intent of law, in establishing and maintaining a public library and reading room.

Sec. 2990. Use of library. Every library and reading room shall be forever free to the use of the inhabitants of the city or town, subject always to such reasonable regulations as the library board may adopt, to render said library and reading room of the greatest use to the inhabitants of said city or town, and the librarian may exclude from the use of the library and reading room any person who shall willfully violate or refuse to comply with rules and regulations established for the government thereof; persons so excluded may appeal to the library board.

Sec. 2991. Reports to council. The library board shall, on or before the second Monday in June in each year make a report to the city or town council of the condition of their trust on the first day of June in such year, showing all moneys received or expended; the number of books and periodicals on hand; newspapers and current literature subscribed for or donated to the reading room department; the number of books and periodicals ordered by purchase, gift or obtained during the year, and the number lost or missing; the number of visitors attending; the number of and character of books loaned or issued, with such statistics, information and suggestions as they may deem of general interest, or as the city or town council may require, which report shall be verified by affidavit of the proper officers of said board.

Sec. 2992. Amendment of by-laws. Any by-law or regulation established by the library board may be amended by the council of said city or town.

Sec. 2993. Recovery of penalties. Penalties imposed or accruing by any by-law or regulation of the library board may be recovered in a civil action before any justice of the peace or other court having jurisdiction; such action to be instituted in the name of the library board of the city or town library. And moneys collected in any such action shall be forthwith placed in the city treasury to the credit of the library fund.

Sec. 2994. Gifts. Any person may make any donation of money or lands for the benefit of such library, and the title of the property so donated may be made to and shall vest in the library board, and their successors in office, and such board shall thereby become the owners thereof in trust to the uses of the public library of such city or town.

Sec. 2995. Exemptions. The property of such library shall be exempt from execution, and shall also be exempt from taxation as other public property.

Sec. 2996. Pay collections. The library board shall have power to authorize any circulating library, reading matter, or work of art, of any private person, association or corporation, to be deposited in the public library rooms, to be drawn or used outside of the rooms only on payment of such fees or membership as corporation or association owning the same may require. Deposits may be removed by the owner thereof at pleasure, but the books or reading matter so deposited in the rooms of any such public library shall be separately and distinctly marked, and kept upon shelves apart from the books of the city or town library, and every such private or associate library or other property so deposited in any public library, while so placed or remain, shall be subject to use and reading within the library room without charge by any person and inhabitant of said city or town, and entitled to the use of the free library

(1a) CORONADO BEACH

(Fla. Laws, 1929, v 2, p 406, 407, ch 13980 [No 416], s 5)

Sec. 5. Powers of the city. The city of Coronado Beach, Florida, * * * shall have power * * * to acquire, own, establish, maintain, and operate a public library and reading room free for the use of the inhabitants and the tourists of said city. * * *

(2) JACKSONVILLE

(a) Service to Other Municipalities

(Fla Laws, 1925, v 2, p 2172, ch 10717 [No. 695].)

Sec. 1. That the City of Jacksonville is hereby authorized, through its Board of Library Trustees, to enter into contracts with municipalities in Duval County, Florida, contiguous to the City of Jacksonville, for Public Library Service.

(3) TAMPA

(Fla Laws, 1921, v 2, p 2072-2073, ch 9092 [No 697])

Sec. 1. The City of Tampa, Florida, by and through its governing body, is hereby authorized to levy an annual tax, not to exceed one-half mill on the dollar, upon the real and personal property within the limits of said city, for the purpose of maintaining a public library therein [City of Tampa v. Prince (1912) 63 Fla 387, 58 So. 542, State ex rel. West v. Grable (1916) 72 Fla 61, 72 So. 460.]

F. COUNTY LAW LIBRARIES

(Florida Comp Gen Laws, Perm Suppl, 1938 Pocket pt, v 1, p.187-188, s 1279(40)-1279(43), Id, v 2, p 145-146, s 2276(65)-2276(70).)

Sec. 1279 (40). **Attorneys at law; declaration as to library facilities.** Be it declared that members of the bar are officers of the courts of this State and as such ought at all times to have access to an adequate law library in order that those seeking the services and counsel of such in regard to their civil and political rights guaranteed them by our constitution, may be competently and professionally advised and represented, that a great number of the members of the bar do not have access to an adequate law library so that they may advise themselves upon the law of the land, while some others, by reason of foresight or good fortune, have been able to procure for themselves such facilities, that the general welfare and public interest of this state will be better served when all members of the bar are equipped to better serve the public [ch 17720, Acts 1937, s 1]

Sec. 1279 (41). (Requires Attorneys at law to pay a license fee.)

Sec. 1279 (42) **Same; allocation of portion of tax to law library fund.** Of the license tax for county purposes, ten dollars thereof shall be kept by the County Commissioners in a fund to be known as the law library fund which shall be expended only for the purpose of procuring and maintaining a law library for the members of the bench and bar of such county and pursuant to the order of the circuit court judge who resides in such county and longest in continuous service as such, and in the circuit court judge having jurisdiction in such county and longest in continuous service as such [ch 17720, Acts 1937, s.3.]

Sec. 1279 (43). **Same; authority of Circuit Court judge to designate location of library, prescribe rules, etc.** The circuit court judge last above referred to shall have authority to assign or designate the location of such library in the county courthouse of the respective counties, and shall have full authority to prescribe and enforce rules and regulations as to the use of said library, and means of ingress and egress thereto, through the sheriff of said county [Id. s.4.]

Sec 2276 (65) **Establishment of law libraries in certain counties; declaration of necessity.** It is hereby declared that the proper administration of justice and of the courts make it desirable that there be available to the

county officials and the judges and officers of the several courts a central and adequate law library in certain counties of this State and the establishment and maintenance of such central law libraries is a public need and for a general county purpose. [ch.18005, Acts 1937, s.1.]

Sec. 2276 (66). **Same; location; rules and regulations; claims.** Wherever in this state a single county shall constitute an entire judicial circuit, and for which circuit there shall have been authorized and provided or shall hereafter be authorized and provided, two or more circuit judges for the circuit court thereof, the board of county commissioners of said county may, with the approval of the budget board of said county establish and maintain an adequate central law library under the direction of the law library board created by this law to be located in the county courthouse of such county, for the use of county officials and the judges and officers of the several courts, the said library to be operated under such rules and regulations as the law library board shall from time to time prescribe; and all legitimate claims against such county for the conduct and operation of the said central law library shall be paid in the same manner as for the conduct and operation of the courts of such county from the aggregate excess fees of the circuit court, county court, county judge's court and the criminal courts of record so far as said funds so collected shall suffice or be necessary. [Id. s 2]

Sec 2276 (67) **Same; law library board.** The chairman of the board of county commissioners, the judges of the circuit court, the judge of the county court and the judge of the criminal court of record and their successors in office shall constitute a law library board in all counties where law libraries are established under the provisions of this law. [Id. s 3.]

Sec. 2276 (68). **Same; librarian.** The clerk of the circuit court of said county or counties shall cause one of more deputy clerks to act in the capacity of librarian for said public law library who may render other and clerical services for the clerk of the circuit court or the judge thereof in addition to the services rendered as librarian [Id. s.4.]

Sec. 2276 (69) **Same; recommendations, etc., by library board to county commissioners.** The law library board is hereby authorized and directed to prepare and recommend from time to time to the board of county commissioners lists of books and property to be purchased, sold, rented or exchanged for the use of said library upon such forms as may be prescribed from time to time. [Id s 5]

Sec. 2276 (70). **Same; expenditures by county commissioners authorized.** In the event the board of county commissioners establish a central law library under the terms hereof with the approval of the budget board, the said board of county commissioners is authorized to spend such sums, not in excess of five thousand dollars per annum, as may be necessary and shall pay the same out of the excess fee account of said county. [Id. s.6.]

GEORGIA

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A. STATE LIBRARY

(1) GENERAL PROVISIONS

(Georgia Code 1933, p 2597-2598, 2336, s.101-101 to 101-107, 101-201, 101-202, 92-3501.)

Sec. 101-101 (172). **Appointment and term of office.** The Governor shall present, for confirmation by the Senate, some fit and competent person to serve as State Librarian, whose term of office shall be four years, and until his successor shall have been chosen and confirmed in like manner. [Acts 1880-1, p.69.]

Sec 101-102 (175). **Bond and security.** The Librarian must give a bond in the sum of two thousand dollars (\$2,000), with good security, payable to the Governor and his successors in office, conditioned for the faithful performance of his duty as State Librarian. [Act 1847, Cobb, 1037.]

Sec. 101-103. **Salary of librarian and assistant.** The salary of the State Librarian shall be three thousand dollars (\$3,000) per annum, and said officer shall not be entitled to any other fees or emoluments from any other source whatsoever. The salary of the Assistant Librarian shall be fifteen hundred dollars (\$1,500) per year. [Acts 1941, p.372.]

Sec. 101-104 (174). **Second assistant librarian; employment; salary.** The Librarian is authorized to employ a second assistant librarian, and the compensation of said second assistant shall be at the rate of one thousand dollars (\$1,000) per annum. [Acts 1912, p.45.]

Sec. 101-105 (176). **Library to be kept at capitol.** The library belonging to this State, with such additions as may be hereafter made from any quar-

ter, together with all copies of the laws, journals or other books published or purchased by the State, shall be kept in appropriate apartments at the capitol building, designated by the Governor, under such rules and regulations as he may from time to time prescribe.

Sec. 101-106 (188). Office subject to Governor's supervision. The office of the State Librarian shall be under the general supervision of the Governor, who may at any time appoint a competent person to examine into and report its condition to him.

Sec. 101-107 (189). Delivery of contents of office to successor. If the librarian shall resign, or be removed, he shall, within 10 days thereafter, deliver the books, papers, and other property of the state to his successor, taking his receipt therefor, which shall be filed and recorded in the Executive office. For any failure to account for the books received by him or to make good any damage to the State property, the Governor shall have suit brought against the Librarian and the sureties on his bond.

Sec. 101-201 (177). Preservation of books; keeping library open. It is the librarian's business to preserve, keep in order, and protect said library, to keep the same open for the inspection and use of all citizens of the State, and to discharge such other duties in connection with the library as may be required of him by law or by Governor.

Sec. 101-202 (180). Catalogue. The Librarian shall make out and keep on hand a catalogue, or card index, of all the books in the library, which shall be revised without unnecessary delay from time to time, as he may obtain new books or dispose of old ones.

Sec. 92-3501 (1246). Enumeration of other sources of revenue. The sources from which the State does or may derive revenue, other than by taxation are as follows: * * *

8. Fees which the secretaries of the Governor, the Secretary of State, the Treasurer, the Comptroller General, and the Librarian or other State officers receive for official duties.

(2) DISTRIBUTION OF PUBLIC DOCUMENTS

(Georgia Code 1933, p.2598-2601, s.101-203 to 101-218; Georgia Laws 1937-38, p.420, Act. 335.)

Sec. 101-203 (179). Taking and filing of receipts. It shall be the librarian's duty to receive the printed laws and journals of the State from the printer, and, when distribution is made to the various counties, to take from the clerks of courts or other distributees their receipts therefor. Likewise he shall receive all other books required to be distributed, and take receipts on the distribution, and keep in his office a file of such receipts. [Acts 1851-2, p.17.]

Sec. 101-204 (181). Reports of certain officers to be filed with Librarian. The Governor, Comptroller-General, Treasurer, and all other officers who are, or may be, required to make reports to the General Assembly, shall fur-

nish the State Librarian with at least 10 copies each of said reports, and he shall have the same bound and preserved in the library for public use. [Acts 1876, p.5.]

Sec 101-205 (178,190) **Distribution of laws, etc., to courts.** The distribution of the laws and journals, reports of the Supreme Court and Court of Appeals decisions, and all other books required to be distributed to the several counties of the State or to be sent to other States, shall be made by the Librarian, under the direction of the Governor, in pursuance of the provisions of the law in respect thereto. He shall mail the reports of the Supreme Court and of the Court of Appeals, as follows: One copy of each to the Justices of the Supreme Court, Judges of the Court of Appeals, and judges of the superior courts, the clerk of the Supreme Court, clerk of the Court of Appeals, the clerks of the superior courts, and the ordinaries. The remaining copies he shall keep in the State library for use and for exchange, as is required in this Code. [Acts 1868, p 195]

Sec 101-206 (191, 193, 194) **Number of journals to be printed; binding; distribution.** There shall be compiled, printed and bound (such binding to be the same as that of the Acts of the General Assembly) not more than 500 copies of the journals of each branch of the General Assembly, and it shall be the duty of the State Librarian to distribute the same as follows: One copy of the journal of each branch of the General Assembly to the ordinary of each county, whose duty it shall be to keep and preserve the same for the use of the public and not permit same to go out of his office, and to which the public shall have free access, and also one copy to each member of the General Assembly. The remainder of the copies shall be retained by the Librarian for exchanging with the various States, and for such other use and disposition as the Governor may authorize and direct [Acts 1889, p 181]

Sec. 101-207 (192, 193). **Copies of laws and journals for civil officers of each county.** Each county shall be entitled to one copy of the Acts of the General Assembly for each civil officer, both judicial and ministerial, and for each member of the General Assembly to be distributed by the ordinary [Acts 1889, p 181]

Sec 101-208 (200). **Forwarding journals and laws to ordinaries.** The Librarian, under the supervision of the Governor, shall as soon as the laws and journals of each session are published, forward by express, prepaid to the office nearest each ordinary, the number of the laws and journals each county may be entitled to. Provided, when the ordinary of any county shall be put to any actual and necessary expense in getting the books from the express office, he shall give an order on the county treasurer for said sum, and the county treasurer shall pay the same. As soon as the Librarian shall have forwarded said laws and journals he shall notify each ordinary thereof by mail, and also notify him of the office to which said laws and journals have been sent. [Acts 1874, p.25.]

Sec. 101-209 (199). **Reserved copies.** Fifty copies each of the Acts and House and Senate journals shall be reserved by the Librarian for three years, after which time 25 copies only need be reserved; remaining copies of journals as well as laws, after the distribution elsewhere provided for is effected, shall be held for sale to the people of this State, any citizen thereof having the right to buy one copy at the actual cost thereof; and said Librarian, upon being so requested, shall send by mail to any such citizen a copy of said laws upon prepayment of the postage thereon and the price. At the end of each month the Librarian shall pay all moneys received from the sale of said laws to the State Treasurer, taking his receipt therefor, and, immediately after such payment, report to the Governor in writing the number of copies sold, and when and to whom, and the sum so paid to the Treasurer with the date of such payment [Acts 1909, p.141.]

Sec 101-210 (196) **State institutions, public libraries, and public schools to be supplied.** Such of the State institutions, public libraries and public schools of Georgia, and such other institutions of learning as maintain libraries and desire to receive them, shall be supplied free of charge, by the State Librarian with Colonial, Revolutionary, and Confederate records, and public documents [Acts 1916, p.133]

Sec. 101-211 (197) **Price for shipments outside of State.** Fifty per cent of the net price shall be added to the price of reports, laws, and records, where they are shipped outside of the State, to cover transportation charges in the United States [Acts 1909, p 141, 142]

Sec 101-212 (198) **Worn-out copies of publications.** Worn-out copies of Georgia State publications shall be rebound, sold at second-hand price, or discarded at the discretion of the Librarian. [Acts 1909, p.141,142]

Sec 101-213 (201) **Books furnished University of Georgia.** Volumes of the Supreme Court and Court of Appeals Reports, and such other public books as are furnished by the State to the several counties, shall be furnished to the University of Georgia [Acts 1884-5, p 139]

Sec 101-214 **Books furnished Georgia School of Technology.** The State Librarian shall supply, free of charge, to the Georgia School of Technology, volumes of such reports and such other public books as are furnished by the State to the several counties and to the University of Georgia. [Acts 1919, p.369.]

Sec. 101-215 (202) **Librarian to supply county with certain reports.** Whenever the Governor shall have satisfactory evidence that the Supreme Court or the Court of Appeals Reports, or any of them, have never been furnished by the State to any county, it shall be his duty to cause the Librarian to furnish such county with such volumes as have not been furnished the same [Acts 1882-3, p.24]

Sec. 101-216 (204). **Governor to draw warrant.** Whenever the Governor shall decide that any county is entitled to be supplied with any number of Supreme Court or Court of Appeals Reports, he shall draw his warrant upon

the State Treasurer for the amount required for the same: Provided, that not more than two hundred and fifty dollars (\$250) shall be drawn to supply reports to any one county. [Acts 1882-3, p.24.]

Sec. 101-217 (195). **Librarian as exchange officer.** The State Librarian shall be the exchange officer of Georgia for the purpose of a regular systematic exchange between this and other States of public documents, and the several State departments and institutions are required to deposit with said officer for said purpose at least 65 copies of each of their reports and bulletins. [Acts 1909, p.141.]

Sec. 101-218 (183). **Exchange of court reports with other States.** The Librarian shall establish and maintain with other States, through the proper authorities, the exchange of Georgia Reports and Georgia Appeals Reports for the reports of their appellate tribunals.

Sec. 1 The State Librarian shall deliver to the library of the School of Law of the University of Georgia the following public documents as soon as convenient after they are printed from time to time; fifty copies of the Acts of the General Assembly, fifty copies of the Journal of the House of Representatives and fifty copies of the Journal of the Senate, fifty copies of the proceedings of any constitutional convention, twenty-five copies of the reports of the Supreme Court of Georgia, and twenty-five copies of the reports of the Court of Appeals of Georgia, and five copies of the official reports of the departments, bureaus and governmental agencies of the State. This section shall be construed as embracing only those public documents that will be printed from time to time after the passage of this Act.

Sec 2 The Library of the University of Georgia School of Law is hereby authorized to exchange the publications enumerated in section 1 of this Act for other publications useful to students of law and to public officials, and shall catalogue and arrange such material so as to make it serviceable.

(3) LEGISLATIVE REFERENCE DEPARTMENT

(Georgia Code 1933, p 2602, s 101-301 to 101-303)

Sec. 101-301. **Establishment; direction; purpose.** There shall be established and conducted in connection with the State library under the direction of the State Librarian a legislative reference department. The object of said department shall be to gather and to make available such information as shall aid the members of the General Assembly and the several State departments in the discharge of their duties, and to serve such other citizens as may desire to consult same. Said department shall collect, arrange, classify and index books, pamphlets and other material relating to legislation, shall prepare abstracts of laws of other States and Countries, and shall make such indexes of the legislative and administrative records of this State, both current and past, as to make access and reference thereto easy and sure. [Acts 1914, p.137.]

Sec. 101-302. Legislative reference librarian; duties; salary. To carry out the provisions of this law, the State Librarian is hereby authorized and empowered to designate the second assistant librarian, who shall be known as legislative reference librarian, to have charge of the work of said department, and to perform such other duties in connection with the general work of the State library as the State Librarian may direct. The salary of said assistant shall be \$200 per year in addition to the \$1,000 per year provided for the second assistant librarian. [Acts 1914, p.137.]

Sec. 101-303. Expenses. The State Librarian may incur such expenses in addition to salary as may be necessary in the proper administration of the department, for extra clerk hire and supplies, not exceeding \$1,000 annually. [Acts 1914, p.137.]

B. DEPARTMENT OF ARCHIVES AND HISTORY

(Georgia Code 1933, p.1208-1211, s.40-801, 40-808.)

Sec. 40-801 Establishment. There shall be established a Department of Archives and History in lieu of the office of compiler of State records. [Acts 1929, p 1516,1517.]

Sec. 40-802. Objects and purposes. The objects and purposes of the Department shall be to prevent the destruction of records; to provide a central depository in which to assemble the official archives of the State, including the old records of the various departments of the State, not in common use, to collect from the files of old newspapers, court records, church records, private collections, and other sources, data of all kinds bearing upon the history of the State; to secure from private individuals, either by loan or gift, rare volumes, manuscripts, documents and pamphlets for the use of this Department; and to obtain in like manner historical trophies, souvenirs and relics; to classify, edit, annotate, and publish from time to time such records as may be deemed expedient and proper, including messages of Governors, executive orders, State papers, military rosters of the Revolutionary, Indian, Mexican, Civil and European Wars; to diffuse knowledge in regard to the State's history, and to prepare biennially an official register, giving the latest information of an official character in regard to the State, including a full list of Statehouse officers, legislators, judges, and solicitors, members of Congress, county officials, etc., together with other pertinent items of information; to encourage the proper marking of battlefields, houses and other places celebrated in the history of the State; to encourage the study of Georgia history in our public schools, and to assist in the observance of patriotic occasions; to stimulate historical research, especially in the prosecution of local histories; to foster sentiment looking to the better protection, classification and arrangement of records in the various courthouses of the State; to prepare a bibliography of Georgia, and to indicate, by title at least, every book written about Georgia or by Georgia authors; and to collect biographical information in regard to all public offi-

cials and to keep same on file, in a classified arrangement, for convenient reference by investigators. [1931, p.7,38]

Sec 40-803 Management, control, salary, duties, etc., of Director. The Department shall be under the immediate management and control of a Director or State Historian, who may be a woman, who shall be appointed by the Secretary of State for a term of six years, and until his successor shall be appointed and qualified. He shall take an oath of office as other public officials are required to do and shall be commissioned in like manner. He shall devote his time to the work of the Department, using his best endeavors to develop and build it up, so as to carry out the design of its creation, and shall receive for his services the sum of \$3,000 per annum, payable monthly. He shall have control and direction of the various activities of the Department, preserve its collections, care for the official archives which may come into its custody, and perform all of the duties enumerated in section 40-802. He shall also make an annual report to the Secretary of State, who shall transmit it to the Governor, including all receipts and expenditures, together with a full report of the work accomplished during the 12 months immediately preceding, and he shall contract for the printing and binding of said report, to be paid for as other printing and binding; and he shall perform such other duties as may rightfully pertain to his office. [1931, p.7,38]

Sec. 40-804 Powers of Secretary of State. The Secretary of State is hereby empowered to adopt rules for the government of the Department; to appoint a Director, and to provide for the selection or appointment of such other officials or employees as may be authorized; to provide for the publication under the supervision of the Director, of historical material pertaining to the State, to control and expend such appropriations as may be made for the maintenance of the Department of Archives and History, and to do such other acts and things as may be necessary to carry out the true intent and purpose of this Chapter. [1931, p.7,38]

Sec 40-805 Preservation of books, records, etc. Any State, County or other official is hereby authorized and empowered in his discretion to turn over for permanent preservation in the Department of Archives and History any official books, records, documents, original papers, manuscript files, newspaper files, portraits, and printed volumes, not in current use in his office. The Secretary of State shall provide for the preservation of said materials, and when so surrendered, copies thereof shall be made and certified by the Director upon the application of any person interested which certification shall have the same force and effect as if made by the officers originally in custody of them, and for which the same fees shall be charged. [1931, p.7,38]

Sec 40-806 Statistical and official register of State; compilation. An official and statistical register of the State shall be compiled every two years by the Director to contain:

(1) Brief sketches of the several State officials, the members of Congress from Georgia, the Supreme Court Justices, Judges of the Court of Appeals, members of the Senate and House of Representatives, judges and solicitors general of the superior courts.

(2) Rosters of all State and county officials;

(3) Lists of all State institutions and all official boards;

(4) State and county population and election statistics, and,

(5) Miscellaneous statistics bearing upon related matters of current interest or likely to be of value to the future historian. [1931, p.7,38.]

Sec. 40-807. Publications. The Secretary of State shall fix a fair price for publications published pursuant to this Chapter, the revenue arising from such sales to be devoted to extending the work contemplated herein. Provided, that at least one copy of such publications shall be furnished free of charge to any State institution making application for same through its constituted authorities. The Secretary of State is also authorized in his discretion, either by sale or otherwise, to dispose of such excess copies of such publications as may from time to time accumulate, and in like manner dispose of any editions heretofore published, of which there may be an excess on hand [1931, p.7,38]

Sec. 40-808 Printing, etc. All printing, blanks, circulars, notices or forms, which may be needed for the use of said Department, and all official communications, reports, etc., shall be printed and paid for as other printing of the State [Acts 1918, p.141]

C. STATE LIBRARY COMMISSION

(Georgia Code 1933, p.980, s.32-2601 to 32-2603)

Sec. 32-2601 (1563) Commissioners; appointment; qualifications; terms; chairman; secretary. The Governor shall appoint four persons who with the State Librarian shall constitute a State Library Commission and no person shall be eligible to appointment on said Commission who is interested in any publication house or the sale of any book or books, or agent for the same. The members of said Commission shall be appointed for a term of three years, and shall annually elect a chairman and a secretary. [Acts 1919, p.86, 87.]

Sec. 32-2602 (1564) Duties and reports of Commission. The Commission shall give advice and counsel to all libraries and to all communities which may propose to establish them, as to the best means of establishing and administering such libraries, the selection of books, cataloguing, and other details in library management. The Commission may also conduct a system of traveling libraries and circulate such libraries within this State among communities and institutions, free of cost except for transportation. The Commission is authorized to purchase and accept gifts of books, periodicals and traveling libraries. The Commission may also employ a trained paid secretary, not from its own number, to carry on the work of the Com-

mission as herein outlined. The Commission may also send its members to aid in organizing new libraries or improving those already established. The Commission shall make annual reports to the Governor. [Acts 1919, p.86,87.]

Sec. 32-2603 (1565). No compensation for services; expenses; quarters in capitol. No member of this Commission shall receive any compensation for services and traveling expenses as a member of this Commission, except that the secretary, in addition to the salary, shall receive actual traveling expenses while engaged upon the work of the Commission. To enable the Commission to properly discharge its duties, the sum of \$10,000.00 per annum is hereby appropriated for the service of the secretary and other legitimate expenses, to be paid by the State Treasurer upon warrant based on vouchers signed by the secretary and approved by the chairman. Said secretary shall devote his or her entire time to said office under the direction of the Commission. The Commission shall be provided with suitable quarters in the State Capitol. [1923, p.57; 1924, p.50.]

D. CERTIFICATION OF LIBRARIANS

(1939 Suppl., Georgia Code, Anno. p 38-39, s.84-2201 to 84-2210.)

Sec. 84-2201. State Board for Certification of Librarian; creation, membership, and appointment. A State Board for the Certification of Librarians is hereby created to consist of five persons, four of whom shall be appointed by the Governor from a list of seven persons nominated by the Executive Board of the Georgia Library Association. The other member shall be the Executive Secretary of the Georgia Library Commission who shall serve as an ex-officio member of said Board.

Sec 84-2202. Same; terms of office. The terms of all members first appointed under this Act shall begin on the 1st day of July, 1937, but the terms of the members appointed by the Governor shall expire as follows: December 31, 1937, December 31, 1938, December 31, 1939, and December 31, 1940. The respective terms of the appointed members shall be determined by lot. Upon the expiration of the terms of members first appointed, their successors shall be appointed by the Governor from a list of seven persons nominated by the executive board of the Georgia Library Association for a term of five years. The term of the Executive Secretary of the Library Commission shall be co-extensive with the term of office in this position. [Acts 1937, p.245.]

Sec. 84-2203. Same; compensation; expenses. Members of the Board shall receive no compensation for their services, except actual and necessary traveling expenses incurred in attending meetings. [Acts 1937, p.245.]

Sec. 84-2204. Same; vacancies. Should a vacancy occur upon said Board the Governor shall appoint a member for the unexpired term in the same manner as in the case of original appointees. [Acts 1937, p.245,246.]

Sec. 84-2205. Same; jurisdiction of Joint-Secretary, State Examining Boards. The same jurisdiction, duties, powers, and authority which the

Joint-Secretary, State Examining Boards, has with reference to other examining boards is hereby conferred upon him with respect to the state board for the certification of Librarians. [Acts 1937, p.245,246.]

Sec. 84-2206. Certificates; grades; examinations. The Board shall have authority to establish grades of certificates for librarians, to prescribe and hold examinations, or require submission of credentials to establish the qualifications of those seeking certificates as librarians, and to issue certificates of librarianship to qualified persons in accordance with such rules and regulations as it may prescribe. [Acts 1937, p.245,246.]

Sec. 84-2207. Only licensed librarians to be employed; exceptions. From and after January 1, 1938, any public library serving a political subdivision or subdivisions having over 5,000 population according to the last official Federal census and every library operated by the State or its authority, including libraries of institutions of higher learning, shall not employ in the position of librarian or full time professional assistant in the library as defined by this Board, a person who does not hold a librarian's certificate issued by the Board. No public funds shall be paid to any library failing to comply with the provisions of this chapter. Provided, however, that nothing in this chapter shall apply to law libraries of counties and/or cities, or to libraries of public elementary and high schools [Acts 1937, p.245,246.]

Sec. 84-2208. Applications for certificates; fees. All applicants for a librarian's certificate shall file an application with the Joint-Secretary, State Examining Boards, accompanied by a fee of one dollar, and said Joint-Secretary shall remit the same to the State treasury, such fees shall be used only for the purpose of carrying out the provisions of this Chapter and payment of the necessary expenses contemplated under Chapter 84-1. [Acts 1937, p.245,246.]

Sec. 84-2209. Librarians employed not affected. This Chapter shall not be construed to affect any librarian or full time assistant librarian in his or her present position. Such librarians as are now in service shall be entitled to receive a certificate in accordance with their qualifications for positions now held without examination, upon payment of the prescribed fee, and such certificate so issued shall be a life certificate. [Acts 1937, p.245, 247.]

Sec. 84-2210. Libraries not supported by public funds. The Board may issue certificates to qualified persons who are serving in libraries not supported by public funds. [Acts 1937, p.245,247.]

E. COUNTY LIBRARIES

(1939 Suppl., Georgia Code, Anno p 72, s 32-2706; Georgia Code, Anno 1933, p.336, s.32-2707, 32-2708)

Sec. 32-2706. Public Libraries outside municipalities, authority to maintain. Political subdivisions, other than municipal corporations, are hereby authorized to establish and maintain public libraries for purposes of educa-

tion and to support the same by current revenue or by donations or bequests which they are authorized to receive for that purpose; and such political subdivisions may contract with each other and with such municipal corporations as may be already maintaining libraries, operated either by their own governing bodies or by boards of trustees or other officials, within the counties in which such municipal corporations are situated, or in adjoining counties, and may enter into cooperative agreements in the establishment and maintenance of such libraries upon such terms as may be agreed on between their respective governing bodies; provided, however that any such contract or cooperative agreement relating to a library maintained by a municipality, but operated by a board of trustees, or other officials, shall be made by the governing body of such political subdivision with the governing body of any such municipality and board of trustees, or other officials through whom such library so maintained by such municipality is operated. [Acts 1935, p.409; 1937, p.715]

Sec 32-2707. Same; Library Board; its personnel and powers. Whenever, under the provisions of section 32-2706, the governing authorities of any political subdivision shall establish a public library therein, the county board of education shall, ex-officio, constitute the library board, Provided, nevertheless, that in the establishment or maintenance of a public library or public library service by contract or cooperative agreement between said political subdivisions, the agreement between the respective governing authorities of said political subdivisions may provide that the library board of a political subdivision already maintaining a public library or public library service may constitute the library board, or said agreement may provide as to the constituency and method of selection of the library board, and such agreements shall be valid to that end; and the library board so constituted shall exercise the powers herein conferred upon library boards, subject to such terms not inconsistent with the general purposes herein provided for, as may be contained in such an agreement [Laws 1935, no 181]

Sec 32-2708 Same; supervision of libraries; branches and stations; contracts; librarian; employees. The library board, as constituted by Section 32-2707, shall have general supervision of the public library established in such political subdivisions, and shall have power to make reasonable rules and regulations for the operation of the same. Said board may establish branches and stations wherever deemed advisable and carry on other forms of library-extension service, they shall create the office of librarian and fix the term and compensation thereof, said office to be filled by a person with professional library training and experience, and shall determine the number and kind of other employees of the library, appointing and dismissing such employees upon recommendation of the librarian for just cause. Said board shall have power to contract within the limits of the funds available to them by appropriations, taxation, bequest, donation, or from other sources. [Acts 1935, p.409.]

F. MUNICIPAL LIBRARIES

(Georgia Code 1933, p 981-982, s 32-2701 to 32-2705.)

Sec 32-2701 (1566). **How libraries maintained.** Any city may, through its properly constituted municipal authorities, raise by taxation, from year to year, and permanently appropriate money for the purpose of establishing or erecting or maintaining a public library, or assisting in maintaining a public library. Any such sum or sums of money so appropriated shall be expended by and under the direction of the board of trustees of such public library elected by the city council of said city [Acts 1904, p 90]

Sec 32-2702 (1567) **Disbursements, how made.** In any city in which an appropriation shall be made under or by virtue of the authority conferred by this Chapter, the money so appropriated shall be drawn from the treasury of said city on the warrant of said board of trustees of such public library elected by the city council of said city, and shall be paid out from time to time in the payment of salaries, purchase of books, and other necessary expenses of said library, and an itemized statement of the amounts so paid out shall be made annually to the mayor of said city, and by him submitted to the properly constituted authorities of said city [Acts 1904, p 90]

Sec 32-2703 (1568). **Donations.** Said board of trustees are authorized to accept and receive donations, either in money, land, or other property for the purpose of erecting or assisting in the erection of suitable buildings for the use of said public library, for maintaining the same, or for assisting in maintaining the same [Acts 1904, p 90]

Sec 32-2704 (1569) **Duties of board of trustees.** Said board of trustees shall exercise a strict and rigid supervision over said public library, and shall pass all necessary rules and regulations for the government and control of the same, shall elect a librarian and, if necessary, an assistant librarian, or designate some officer or officers to perform the duties of librarian or assistant librarian, and shall appoint and discharge the said officer or officers at pleasure. [Acts 1904, p 90]

Sec 32-2705 (1570). **Powers of the city.** The municipal government of any such city shall have authority to enter into a legal and binding agreement to accept and receive any donation offered by any person or persons on such terms as may be agreed upon between said person or persons and said municipal government, and such agreement so made shall be legal and binding upon said municipal government and its successors; and all agreements by said municipal government of said city to pay any sum or sums of money annually thereafter for the use of said public library shall be legal and binding on the said city, and any ordinance or ordinances carrying said agreement into effect shall have the force and effect of law and be binding on the said city during the time mentioned in said agreement and said ordinance. [Acts 1901, p 52.]

G. INCORPORATED LIBRARIES

(Georgia Code 1933, p.474, s.22-413; See also s.22-403 to 22-405, 22-603.)

Sec. 22-413 (2836). **Incorporation of library and other literary, charitable, or social organizations.** Library and other literary, charitable, or social organizations which have no capital stock, and are not organized for individual pecuniary gain, may be incorporated under the provisions of section 22-401, all of the provisions of which are hereby made applicable to the organizations aforesaid [Acts 1878-9, p.166.]

H. COUNTY LAW LIBRARIES

(Georgia Laws 1915, p.50; Laws 1918, p.170; Laws 1923, p.127.)

Sec. 1. From and after the passage of this Act it shall be lawful for all counties of this State having a population of seventy thousand people, or more, to establish, equip, and maintain under the provision of this Act, and Acts amendatory thereof, law libraries for the use of the officers of court, and as a part of the expenses of the court and litigation, as provided by the Constitution of this State. [Georgia Laws, 1923, p.127.]

Sec 2. That whenever it shall be determined by the board of commissioners of roads and revenues of the counties as specified in Section 1 of this Act, or in the absence of such board, by the ordinary, a law library may be established as aforesaid, provided, that the total initial expense incident to the purchase of books and equipment shall not exceed five thousand dollars (\$5,000 00) and the total expenditure for librarian, books and all other expenses for the maintenance of such library shall not exceed twenty-five hundred (\$2,500.00) per annum after said library shall have been established, to be paid for from the county treasury, on order of the commissioner or ordinary, in such a way as may be determined under and by direction of the board of commissioners of roads and revenues, or in the absence of such board of commissioners of roads and revenues, the ordinary. [Georgia Laws, 1918, p 170-1.]

Sec 3. Be it further enacted, That said library shall be established and maintained in such manner as the Board of Commissioners of Roads and Revenues or ordinary as aforesaid, shall determine and prescribe. [Georgia Laws 1915, p 50.]

I. TAX EXEMPTIONS

(Georgia Code 1933, p 77, 2243, s.2-5002, 92-201.)

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A. STATE LIBRARY COMMISSION

(Idaho Code Anno 1932, v 2, p 630, 710-711, s 32-114 [14], 32-2001 to 32-2003)

Sec. 32-144. **Executive officers; powers and duties.** Acting through its own executive officers, the state board of education and the board of regents of the university of Idaho shall:

* * * * *

(14) Supervise, govern and direct the state library commission and adopt such regulations for its administration as may contribute to its efficiency in the service of the people and in promoting the educational welfare of the state. [1913, ch.77, s 7, p 332]

Sec. 32-2001. **State library commission membership.** The attorney general, secretary of state, state superintendent of public instruction, and the president of the state university, ex officio, are hereby constituted a state library commission, of which the attorney general shall be chairman and the state superintendent of public instruction, secretary. [1903, p.283, s.1]

Sec. 32-2002. **Traveling library management.** Said commission shall have the management of the traveling library or libraries belonging to the state, and shall make such rules governing the use of the same, and of the books and property pertaining thereto, as it may deem necessary. Said commission shall cause said books to be distributed throughout the state, and at suitable intervals change such distribution in such manner as to secure the use and enjoyment of said books to the people of the state. The commission shall have power to employ a qualified librarian whose duties shall be defined by the said commission. It shall co-operate with the management of public schools and other free libraries within the state, and adopt such means as shall promote their establishment. Said commission may receive donations of money, books or other property, real or personal.

for the benefit of such traveling library or libraries, the title to which property shall vest in the state of Idaho, to be held and controlled by said commission. Said commission shall report annually to the governor, with such recommendations as it may deem proper. [1903, p 283, s 2, am. 1911, ch.159, s 175.]

Sec 32-2003 Accounts of commission; certification and payment of claims. The secretary of said commission shall keep a full report of the proceedings of said commission, and accurate accounts of expenses incurred by it in carrying out the provisions of this article. The chairman of said commission may issue certificates, countersigned by the secretary, for all claims against said commission, incurred in the management of said traveling library or libraries, and in carrying out the objects of this article, which claims, when approved by the board of examiners, shall be paid by warrants drawn upon the fund in the state treasury provided for such purpose. [1903 p 284, s 3]

B. STATE LAW LIBRARIES

(Idaho Code Anno 1932, v 1, p 315-316, s 4-101 to 4-108; *Ibid* p 300, s.3-102)

Sec 4-101. Establishment of state law libraries. State law libraries for the use of the courts and members of the bar of this state are hereby established in the cities of Boise, Lewiston and Pocatello. The Boise state law library shall be kept in the state capitol building, and is hereby also designated as the state library for official publications received from other states and the federal government. The Lewiston state law library shall be kept in the Supreme Court building in the city of Lewiston. The justices of the Supreme Court shall rent suitable quarters in the city of Pocatello for the Pocatello state law library. [S L 1925, ch 86, s 1]

Sec 4-102. State publications furnished law libraries. A copy of each law, pamphlet or other publication hereafter made by or under authority of the state, or any of its agencies, shall be sent to each of the state law libraries. [S L 1925, ch 86, s 2]

Sec 4-103 Control of state law libraries. The justices of the Supreme Court shall have the control and management of the state law libraries and shall make such rules and regulations respecting the same as they deem best. They shall also appoint librarians therefor and fix their compensation and the amount of bond required in case they deem bond should be given. They shall cause the contents of said libraries to be fully insured against loss or destruction by fire. Said justices may dispose of superfluous or duplicate publications or other property of any of said law libraries, by sale or otherwise as they may deem to be in the public interest. Any moneys so received shall be paid to the state treasurer and apportioned to the state law library fund for the use of the law library concerned. [S.L. 1925, ch 86, s 3]

Sec 4-104 State law library fund. The state law library fund con-

sists of all fees paid by attorneys at law upon their admission to practice, of all fees paid by notaries public upon their appointment, and any other moneys and fees required by law to be paid into said fund. [S.L. 1927, ch.187, s 1.]

Sec. 4-105. Disbursement of funds. The justices of the Supreme Court shall have the management of all funds belonging to or appropriated for the use of the state law libraries, and expend and disburse the same for the benefit thereof, as, in their judgement may be best; and upon demand of said justices or any three of them, the state auditor shall draw his warrants upon the state treasurer to the extent of such sums as there may be in the treasurer's hand belonging to or appropriated for the use of said state law libraries [S L 1927, ch.187, s 2]

Sec. 4-106 Appropriation of funds. All moneys received by the state treasurer for the use and benefit of the state law libraries or belonging to the funds of the state law libraries are hereby appropriated for the use and benefit of the state law libraries [S L 1927, ch.187, s 3]

Sec. 4-107. Use and abuse of law libraries. Any person may have access to and may use the books in the state law libraries under such restrictions as the justices of the Supreme Court may prescribe Any person who shall violate any rule established for the management of a state law library may be denied the privileges thereof. Any person who shall wantonly mutilate or destroy any book or article of furniture, or any pamphlet or paper belonging to a state law library, shall be deemed guilty of a misdemeanor and shall be punished accordingly Any person who fails to return to a state law library any book taken therefrom by him, within the time prescribed by the rules of said library, shall be liable to the librarian in three times its value to be recovered in a civil action; and if such person be an officer or employee of the state, the same shall be withheld from his salary. [S L. 1925, ch.86, s 7.]

Sec. 4-108. Names of new attorneys reported to state treasurer. The clerk of the Supreme Court shall report to the state treasurer the name of each attorney admitted or licensed to practice within thirty days of the date of such admission [S L. 1925, ch 86, s.8.]

Sec. 3-102. Oath and fee. Every person, before receiving license to practice law, shall take the oath prescribed by law, and shall pay to the state treasurer the sum of twenty-five dollars for the use of the State library fund, and the clerk of the court shall require of the person so admitted the receipt of the said treasurer before issuing such license, and in no case shall the oath be administered or the license issued until such receipt is produced and filed in the office of the clerk. [C.C.P. 1881, s.116.]

C. STATE HISTORICAL SOCIETY

(Idaho Code Anno. 1932, v3, p.1303-1306, s.65-3801 to 65-3811)

Sec. 65-3801. Creation authorized. The historical society of Idaho

pioneers, a corporation organized and existing under and by virtue of the laws of the state of Idaho, may become the historical society of the state of Idaho, upon the conditions hereinafter specified in this chapter. [1907, p 265, s.1.]

Sec. 65-3802 Duties of society. It shall be the duty of said society:

1 To collect books, maps, charts, pictures, and other papers and materials illustrative of the history of this state in particular, and generally of the northwest

2. To procure from pioneer's narratives of their exploits, perils and adventures.

3 To procure facts and statements relative to the history, progress, and decay of the Indian tribes within the state

4 To collect and preserve fossils, specimens of ores and mineral object curiosities connected with the history of the state, and all such books, maps, writings, charts, or other material as will tend to facilitate historical, scientific and antiquarian research

5 To bind, catalog, and carefully preserve all unbound books, manuscripts, pamphlets, and especially newspaper files containing legal notices, now in its possession or which it may hereafter receive

6 To biennially prepare for publication a report of its collections, and such other matters relating to the transactions of the society as may be useful to the public.

7 To keep its rooms open at reasonable hours on business days, for the reception of the citizens of this state and others who may wish to visit the same.

8. To appoint an historian in each county of the state, to be known as the county historian, to cooperate with the historical society of the state of Idaho in the performance of its duties as hereinbefore set forth [S.L 1931, ch 31, s 1]

Sec 65-3803 Acceptance of chapter. As a condition precedent to securing the benefits of this chapter, it shall be necessary for said historical society of Idaho pioneers, by and through its duly elected, qualified and acting board of directors, to signify its acceptance of the benefits of this chapter, by a resolution accepting the terms herein contained, and in addition thereto, donating to the state of Idaho all its books, papers, relics, and other property then owned by it. [1907, p.266, s 3]

Sec. 65-3804. Society to be trustee. From and after the adoption of said resolution of acceptance and donation provided for in the preceding section, and its presentation, together with the property of the society, to the governor, as hereinafter provided, said society shall be the trustee of the state of Idaho. [1907, p 266, s 4]

Sec 65-3805. Delivery of property to governor. In the event the said corporation elects, by resolution, to accept the terms of this chapter, it shall make such election known by presenting a duly authenticated copy of said

resolution to the governor of the state of Idaho, accompanying such resolution by a delivery of all the books, papers, relics, and other property then owned by said corporation. [1907, p.266, s.5.]

Sec 65-3806 Appointment and powers of trustees. Within ten days after the presentation of the resolution and the delivery of property mentioned in the preceding section, it shall be the duty of the governor to appoint a board of three trustees, who shall have exclusive control of the property acquired from said corporation, managing and conserving the same for the use and benefit of the state of Idaho, for the purposes in this chapter hereinbefore recited, and who shall have authority under this chapter to employ the services of a librarian. [1907, p 266, s.6]

Sec 65-3807 Duties of librarian. It shall be the duty of the librarian, by and under the direction of the board of trustees, to do and perform, or to procure to be done and performed, all the acts specified in section 65-3802. [1907, p 267, s 7.]

Sec. 65-3808 Duties of trustees. It shall be the duty of the trustees to faithfully expend and apply all money received by the state of Idaho, to the uses and purposes directed by law, and they shall hold all its present and future collections and property for the state, and shall not sell, mortgage, transfer or dispose of in any manenr, or remove from the capitol, any article thereof, or any part of the same, without authority of law or the consent of the legislature provided, that this section shall not be construed to prevent the sale or exchange of any duplicates the society may have or obtain. [1907, p 267, s 8, am R C , s 850]

Sec 65-3809 Salary and expense of librarian. For such services the librarian shall be paid a salary of \$1500 per annum, in monthly payments, and shall receive such actual and necessary expenses incurred while performing the duties prescribed in this chapter provided, the aggregate sum shall not exceed \$1100 in two years and, provided further, that the librarian may appoint an assistant whose salary shall be \$1200 per annum, payable in monthly installments from and after January 1, 1919 [S L 1927, ch 212, s.1.]

Sec 65-3810. Expenses of trustees. For their services as trustees, the members of the board of trustees shall receive their actual and necessary expenses incurred in the discharge of their duties, including traveling and maintenance expenses, while attending or going to and from meetings of the board provided, that the aggregate sum of said expenses shall not exceed the sum of \$225 00 per annum for said board [1907, p 267, s 10]

Sec 65-3811 Rules and regulations. The said board of trustees shall adopt such rules and regulations as may be necessary to discharge the duties of their said trust [1907, p.267, s.11.]

D. DISTRIBUTION OF PUBLIC DOCUMENTS

(Idaho Code Anno 1932 v 1, p 254, s 1-505, *Ibid.* 1932 v.3, p 799,1209, s.57-602, 65-805, Laws 1935, p 82, ch 43, s.5, 6)

Sec. 1-505. Distribution of reports. The reporter shall have no pecuniary

interest in the reports, but he shall in his name, but for and on behalf and for the sole benefit of the state of Idaho, copyright each and every volume of said reports before final issue from the press. The decisions of the said Supreme Court shall be prepared for publication, by the reporter, as rapidly as possible, and as soon as a sufficient number of decisions are prepared to fill a volume, such volume shall be printed, and four hundred copies thereof delivered to the state librarian, who shall distribute them as follows: to the Librarian of Congress *five copies*; to the Idaho State Library, five copies, to the University of Idaho, general library, two copies; to the College of Law of the University of Idaho, six copies; to Albion Normal School and to the Lewiston Normal School, each one copy, to the library at the state penitentiary, one copy, to each county prosecuting attorney, one copy, to each probate judge, one copy; to each district judge, one copy; to each justice of the Supreme Court, one copy; to the clerk of the Supreme Court, two copies to be kept in the court room during the sessions of court for the use of the bar, see 1939 session laws, page 59, to each state and territory in the United States, two copies, one for the use of the state library thereof; to each foreign state or country, sending to this state copies of its printed court reports, two copies, to the governor, secretary of state, state treasurer, state auditor, superintendent of public instruction, commissioner of reclamation and state mine inspector, each one copy. provided, that each public officer receiving a copy of any volume or volumes of said reports under the provisions of this section, shall take good care of the same, and shall upon retiring from office, turn the same over to his successor in office provided further, that copies of any volume of such reports may again be issued to any of said officers, institutions, states or territories upon good and sufficient proof of loss of the copies sought to be replaced, presented to the justices of the Supreme Court, who may, by writing signed by a majority of the justices direct the librarian to furnish another copy of the volume so lost, in place thereof, but no direction to furnish another copy shall be made in any case, without good and sufficient evidence showing that the officer, institution, state or territory sustaining such loss, sustained the same without fault or negligence. [S.L. 1939, p 58, ch 28, s.1]

Sec. 57-602. Distribution of reports. There shall be delivered to the secretary of state on or before the first day of December of the said year, to be by him receipted for, at least 300 copies of each of the said reports for distribution as follows. One copy of each to the governor, one to each head of the executive departments of the government; one of each to each member of the legislature, on the first day of the session, or sooner if practicable, *one to the librarian of congress*, and the remainder to such citizens as the secretary of state may deem proper.

Sec. 5 That one copy of all other reports, pamphlets, publications and

maps hereafter made by or under authority of the state, or any of its agencies, shall be sent to the librarian of congress.

Sec. 6. That the above provisions of this Act shall be made in recognition of benefits received through receipt at depository libraries and elsewhere in the state of Idaho of public documents of the United States under the provisions of federal law. [S.L. 1935, p.82, ch 43, s.4]

Sec 65-805. **Distribution of session laws and journals.** Immediately after the session laws, journals, and special and local laws are bound, the secretary of state must distribute the same as follows: (a) to each department of government at Washington and government of this state, one copy; (b) to the library of congress, eight copies and to the state library, two copies, (c) to each of the states and territories, one copy; (d) to our senators and representatives in congress, and to each of the justices of the Supreme Court in this State, one copy; (e) to each member of the legislature of the session when such laws and journals were adopted, one copy; (f) to the office of the attorney-general, five additional copies. Permanent copies shall also be supplied to those officers above-mentioned to whom temporary bound copies were supplied. [S L 1935, p 79, ch 43, s.1]

E. MUNICIPAL LIBRARIES

(Idaho Code Anno 1932, v 2, p 711-714, s 32-2101 to 32-2108, *Ibid* v 3, p 387, s.49-2401)

Sec 32-2101 **Cities may establish libraries.** The common council of every city and of every village of the State of Idaho shall have power to establish a public library and reading room, and for such purpose may annually levy, and cause to be collected, as other taxes are, a tax not exceeding two mills on the dollar of taxable property of such city or village, to constitute a library fund, which shall be kept by the Treasurer separate and apart from other moneys of the city or village, and be used exclusively for the purchase of books, periodicals, necessary furniture and fixtures, and whatever is required for the maintenance of such library and reading room [1919, ch 137, p.433]

Sec 32-2102 **School district libraries; election; duties of school trustees.** The trustees of a school district in which is situated no incorporated town or village, on the petition of twenty electors thereof, shall, upon four weeks' notice published in some newspaper of general circulation published in the county wherein such district is situated, submit to the electors thereof, at the first election held therein for the purpose of electing a member or members of the board of trustees, following the publication of said notice, the question whether there shall be a public library established in such school district for the use and benefit of the citizens thereof. Those voting at such election in favor of such library shall put upon their ballots the words, "Public library—yes," and those voting thereat against such library the words, "Public library—no." If a majority of the electors voting at such election shall vote in favor thereof, the trustees aforesaid have authority,

annually, to levy upon all the taxable property in such school district a tax not exceeding one mill on the dollar valuation thereof, to be applied to the establishment and maintenance of a library as aforesaid, and the procuring of suitable rooms for the same. All boards of school trustees, acting under the provisions of this section, shall perform the same duties required of, and have the same powers and authority granted to the common council of a city or village by the provisions of this chapter under like conditions, and the treasurer of such board of trustees shall perform the duties of treasurer for the public library [1911, ch 159, s 178, p 551.]

Sec. 32-2103. Directors of library. For the government of such library and reading room there shall be a board of five directors appointed by the Council of such city or village from among the citizens thereof at large, and not more than one member of the council of such city or village shall at any time be a member of said board. Such directors shall hold their office for three years from the date of appointment and until their successors are appointed, but upon their first appointment they shall divide themselves at their first meeting, by lot, into three classes. two members shall form the first class and shall serve for one year from the date of appointment; two members shall form the second class and shall serve for two years from the date of appointment; and one member shall form the third class and shall serve for three years from the date of appointment. All vacancies shall be immediately reported to the proper council by its directors, and shall be filled by appointment in the same manner as appointments are originally made. Appointments to complete an unexpired term shall be for the residue of the term only. No compensation shall be paid or allowed to any director in any manner whatsoever [1911, ch 159, s 179 p.552]

Sec. 32-2104 Organization powers. Said directors shall immediately after their appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient. They shall have the exclusive control of the expenditure of all moneys collected for the library fund, and the supervision, care, and custody of the room or buildings constructed, leased or set apart for that purpose; and such money shall be drawn from the treasury by the proper officers, upon properly authenticated vouchers of the board of directors, without otherwise being audited. They may, with the approval of the common council, lease and occupy, or purchase or erect on purchased ground, an appropriate building: provided, that not more than one-half the income in any one year can be set apart in said year for such purchase or building. They may appoint a librarian and assistants, and prescribe rules for their conduct [1911, ch 159, s.180, p 553]

Sec. 32-2105. Libraries to be free. Every library and reading room established under this article shall be forever free for the use of the inhab-

itants of the city, village or school district where located, always subject to such reasonable rules and regulations as the library board may find necessary to adopt and publish in order to render the use of the library and reading room of the greatest benefit to the greatest number, and they may exclude and cut off from the use of said library and reading room any and all persons who shall wilfully violate such rules. [1901, p 5, s.5.]

Sec. 32-2106. Report of directors. The said board of directors shall make an annual itemized report to the state library commission on June 30 of each year, stating the condition of their trust, the various sums of money received from the library fund and from all sources, and how much has been expended, the number of books and periodicals on hand, and the number added by purchase, gift, or otherwise during the year, the number lost or missing, the number of books loaned out, and the general character of such books, with other statistics, information and suggestions as they may deem of general interest, and the state library commission may require. [1911, ch 159, s 182, p.553]

Sec. 32-2107. Donations to library. All persons desirous of making donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the same in the board of directors created under this article, to be held and controlled by said board, when accepted according to the terms of the deed of gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be the special trustees [1911, ch 159, s.183, p 554]

Sec. 32-2108 Taxes for existing libraries; definitions. In case a free subscription library has been established in any city or incorporated village, and duly incorporated and organized, the council may levy a tax for its support as provided in this chapter, without change in the organization of such library association: provided, it becomes a free library. The sums so raised shall be duly paid to the officer duly authorized to receive the same, and shall be under the control of said library association. provided, that if at any time the said library association ceases to exist, or for any reason fails to provide a free circulating library as required by the provisions of this chapter, the books and other property accumulated from the proceeds of the levy herein authorized shall become the property of the city or village, and be subject to the control of the council as herein provided

In this article, unless the context otherwise requires, "library" includes libraries with branches, loans, reference, traveling and reading room department, lectures and museums, "city" includes towns and villages, "council" means the legislative body of an incorporated city, town or village; "mayor" means the chief executive officer of an incorporated city, town or village [1911, ch.159, s 184, p.554]

Sec. 49-2401. Purposes for which bonds may be issued; limitation on amount. Every municipal corporation incorporated under the laws of the territory of Idaho or of the state of Idaho shall have power and authority

to issue municipal coupon bonds not to exceed at any time in aggregate ten per cent of the assessed full cash valuation of the real estate and personal property in said municipal corporation, according to the assessment of the preceding year, for any or all of the purposes specified in subdivision one to nine inclusive, as follows:

* * * * *

(6) To provide for the purchase, erection, construction and furnishing of public buildings and building sites, including municipal public libraries, for the use of such municipal corporation. [S L. 1927, ch.11, s.1.]

F. SCHOOL AND UNIVERSITY LIBRARIES

(Idaho Code Anno. 1932, v 2, p 663, 721, s 32-615 [12], 32-2306)

Sec. 32-615(12). **Trustees; duties and powers.** It is hereby made the duty of the board of trustees of every school district in the state of Idaho (except in dependent and joint independent class A districts) to apply at least three per cent of the moneys annually apportioned to said district to the maintenance and establishment of a school library, the books thereof to be selected from a list approved by the state board of education. The library shall be kept in a suitable case or cases at the school house, and books therefrom shall be loaned to pupils and patrons within the school district for periods not exceeding four weeks at any one time and a complete record thereof must be kept and the borrowers thereof must be required to replace or account for loss or damage thereto. A complete report shall be made annually by the board to the county superintendent of the condition and status of the library and the board is empowered to make such rules and regulations in regard thereto as it may deem expedient. [S L 1921, ch.215, s 46 [12], p 448.]

Sec. 32-2306. **Powers of board; sectarian tests prohibited.** The board of regents of the University of Idaho * * * may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories and all other property of the university and of its several departments, and for the care and preservation thereof, with penalties and forfeitures, by way of damages for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action. [1888-1889, p.21, s.5.]

G. COUNTY LAW LIBRARIES

(Idaho Code Anno 1932, v 2, p 440, 449, s 30-701, 30-731)

Sec. 30-701. **General powers and duties.** The boards of county commissioners in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law, as provided in the following sections * * *

Sec. 30-731. **Maintenance of county law library.** To contract to purchase and to purchase and provide for care by clerk of district court of such law

books and pamphlets as said commissioners may judge from time to time necessary for use of the district court and the county officials and bar of the county, and to provide for the care of all such books and pamphlets as may be donated or loaned to the county from time to time. [S.L. 1917, ch.135, p.446.]

H. TAX EXEMPTION

(Idaho Code Anno 1932, v 3, p 960-962, s 61-105 [16])

ILLINOIS

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A. STATE LIBRARY

(Smith-Hurd Illinois Anno Stats., ch 128, 1941 Suppl p.79-81, s 12 2-12 15)

12.2. Secretary of State to be librarian. Sec. 2. The Secretary of State shall be librarian of the State Library, and shall have the direction and control thereof He may make and enforce such rules and regulations in relation to the care, arrangement and use of books, maps, charts, papers, furniture and other things belonging to the State Library as he may deem proper. [Laws 1939, p.697, s.2]

12.3. Regional library districts. Sec. 3. The State shall be divided into six regional library districts as follows :

District 1—Jo Daviess, Stevenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, DeKalb, Whiteside, Lee, Rock Island, Henry, Bureau, LaSalle, Kendall, Stark, Putnam, Marshall, Grundy.

District 2—Kane, Cook, DuPage, Will.

District 3—Kankakee, Livingston, Iroquois, McLean, Ford, Vermilion,

Champaign, DeWitt, Piatt, Macon, Christian, Shelby, Moultrie, Douglas, Edgar, Coles, Clark, Cumberland.

District 4—Mercer, Knox, Peoria, Woodford, Tazewell, Fulton, Warren, Henderson, Hancock, McDonough, Adams, Schuyler, Mason, Logan, Menard, Cass, Brown, Pike, Morgan, Sangamon, Scott, Greene, Calhoun, Jersey.

District 5—Macoupin, Montgomery, Madison, Bond, Fayette, Effingham, Jasper, Crawford, Lawrence, Richland, Clay, Marion, Clinton, St. Clair, Monroe, Washington, Jefferson, Perry, Randolph

District 6—Jackson, Franklin, Wayne, Edwards, Wabash, White, Hamilton, Gallatin, Saline, Williamson, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac

The Secretary of State shall appoint in each of these regional library districts a District Librarian, except in District 2, composed of Kane, Cook, DuPage and Will counties, he may appoint two District Librarians. [*Ibid.* s 3]

124 State Library Advisory Committee. Sec. 4. The librarians appointed in the respective regional library districts shall constitute an Advisory Library Committee, whose duty it shall be to make recommendations concerning the policies and management of the State Library. [*Ibid.* s.4.]

125 Purpose of library. Sec. 5 The Illinois State Library shall:

- (a) Maintain a library for State officials and employees of the State, especially of informational material pertaining to the phases of their work and to provide for them material for general reading and study.
- (b) Maintain a Division for acquiring and preserving of the archival material of the State, and, offer facilities for the proper use of the said material
- (c) Be a supplementary source for reading materials unavailable in the local libraries
- (d) Assist local libraries in their plans of co-operation for better work and services in their communities and to loan them books and other materials in furtherance of this object.
- (e) Be ready to help local groups in developing a program by which library service can be arranged for in rural communities and rural schools now without such service
- (f) Be a clearing house, in an advisory capacity, for questions and problems pertaining to the administration and functioning of public and school libraries in Illinois [*Ibid.* s 5]

126. Catalog. Sec. 6. The librarian shall prepare a card catalog containing information with respect to items in the State Library. Such catalog to be similar to those used in American libraries [*Ibid* s.6.]

127. Ownership marks. Sec. 7. The librarian shall cause each book in the library and those to be added to bear an ownership mark reading "Ill-

nois State Library" and such other official marks as are commonly used in American libraries [*Ibid.* s.7.]

12.8. Who entitled to use library. Sec. 8. Books and other reading material may be loaned to State officials, employees of the State, urban and rural schools not having library facilities in the schools, study groups, individuals living in communities without library service and to establish libraries to supplement their book collection and to other individuals at the discretion of the State Librarian.

Any individual, study group, school, library, or community requesting reading materials from the State Library must fill in an application for this service, thereby becoming officially recorded as a registered borrower of the State Library.

Registrants not requesting reading materials for three consecutive years must renew their application before reading materials can be loaned to them [*Ibid.* s.8.]

12.9. Registry of books taken and returned. Sec. 9. A record shall be kept of all books or other items loaned by the Illinois State Library for such period and under such regulations as determined by the State Librarian [*Ibid.* s.9.]

12.10. Replacements. Sec. 10. If any person fails to return any book or other item taken from the library within the time prescribed by the State Librarian, or injures the same, he shall be obliged to replace the said item, such replacement item to be in new condition [*Ibid.* s.10.]

12.11. Fines; evidence. Sec. 11. All fines and charges for any books or other items lost accruing under and by virtue of this Act, or for the violation of any of the rules adopted by the librarian, shall be recoverable in the name of the People of the State of Illinois by an action of debt before any justice of the peace or court having jurisdiction of the same. In all such trials, the entries of the librarian, made as heretofore prescribed shall be evidence of the delivery of the book and of the date of such delivery; and it shall be his duty to carry the provisions of this Act into effect, and to sue for all injuries done to the library, and for all penalties under this Act. [*Ibid.* s.11.]

12.12. Federal aid. Sec. 12. The Secretary of State is hereby authorized and empowered to do all things necessary and proper to fully cooperate with the United States Commission of Education in the administering of any act heretofore, or hereafter enacted for the purpose of appropriation of funds for the payment of salaries, books, periodicals, library supplies, equipment and for the maintenance of the expense of public library services. [*Ibid.* s.12.]

12.13. Seal and authenticated copies. Sec. 13. The State librarian shall have an official seal which shall be used to authenticate all books or records in his custody that are not exempt from examination as confidential or pro-

tected by subsisting copyright. A fee of fifty cents per page shall be charged for each authenticated book or record, except there shall be no charge for the making or authentication of such copies or reproductions furnished to any department or agency of the State for official use. When any such copy or reproduction is authenticated by the official seal of the State librarian, it shall be *prima facie* evidence of the correctness of such books and records and shall be received in evidence in the same manner and with like effect as the originals. [*Ibid.* s.13.]

12.14. Custody of grounds and buildings. Sec 14. The custody and control of the Archives Building and Grounds shall be under the exclusive jurisdiction of the State Librarian. [*Ibid* s.14.]

12.15. State officials may turn over documents to archives division. Sec. 15 Any official of the State of Illinois may turn over to the State librarian, with his consent, for permanent preservation in the Archives Division, any official books, records, documents, original papers, or files, not in current use in his office, taking a receipt therefor. [*Ibid* s.15.]

B. STATE HISTORICAL LIBRARY

(Smith-Hurd Illinois Anno Stats, ch 128, 1935, p 288-290, s.13-15, 17, *Ibid* 1941 Suppl p 81, s 16)

13 State Historical Library established. § 1. There is hereby established at the capital of the State a historical library, which shall be known as the "Illinois State Historical Library" [Rev. Stat, 1939, p.3078.]

14. Room set apart for it. § 2 The north ante-room of the State Library rooms in the State House shall be set apart for the use of the State Historical Library, and free access thereto at all reasonable hours shall be forever had and maintained [Rev. Stat., 1939, p 3078.]

15. Trustees; appointment; no compensation. § 3. The Illinois State Historical Library shall be under the control and management of three trustees well versed in the history of the State, and qualified by habit and disposition to discharge the duties of their office, who shall be chosen and appointed by the Governor by and with the consent of the Senate, for the term of two years, and until their successors have been appointed and commissioned. The said trustees shall receive no compensation, for their services, except for their actual expenses while in the discharge of their official duties, to be paid upon itemized accounts approved by the Governor. [Rev. Stat., 1939, p.3078.]

16. Powers of trustees. § 4. The said trustees shall have power and they are hereby required to make all necessary rules, regulations and by-laws not inconsistent with law, to carry into effect the purposes of this Act, and to procure from time to time, as may be possible and practicable, at reasonable cost, all books, pamphlets, manuscripts, monographs, writing, and other material of historical interest and useful to the historian, bearing upon the political, physical, religious or social history of the State of Illinois

from the earliest known period of time. The trustees shall have authority to exchange any books, pamphlets, manuscripts, records or other material which such library may acquire that are of no historical interest or for any reason are of no value to it, with any other library, school or historical society. The trustees shall distribute volumes of the series known as the Illinois Historical Collections now in print, and to be printed, to all who may apply for same and who pay to said Illinois State Historical Library for said volumes the sum of two dollars and fifty cents (\$2 50) for each of said volumes received by such applicants. However, the trustees shall have authority to furnish not to exceed twenty-five of each of the volumes of said Illinois Historical Collections, free of charge to each of the authors and editors of said collections or parts thereof; to furnish, as in their discretion they deem necessary or desirable, a reasonable number of each of the volumes of said Collections without charge to archives, libraries and similar institutions from which material has been drawn or assistance has been given in the preparation of said Collections, and to the officials thereof; to furnish, as in their discretion they deem necessary or desirable, a reasonable number of each of the volumes of said Collections without charge to the University of Illinois Library and to instructors and officials of said University, and to public libraries in the State of Illinois. Said trustees may also make exchanges of said Historical Collections with any other library, school or historical society, and to distribute volumes of said collections for review purposes, without charge. All proceeds received by the Illinois State Historical Library from the sale of volumes of the series of the Illinois Historical Collections shall be paid into the General Revenue fund in the State treasury. The trustees shall also have power to select some person having the requisite qualifications as librarian, whose salary shall be three thousand (\$3,000) per annum. [L. 1935, p.1424.]

17 **State Historical Society made a department of the State Historical Library.** § 6. That the Illinois State Historical Society be, and the same is hereby declared a department of the Illinois State Historical Library, and the board of trustees of the said Illinois State Historical Library is hereby authorized to pay for the necessary stationery, postage, and other like incidental expenses of the said Illinois State Historical Society, out of any fund the Legislature may appropriate to the said Illinois State Historical Library for such purposes; and also to pay the expenses of interviewing old settlers of the State of Illinois, examining county, church, school and the like records, at the discretion of the board of trustees of said Illinois State Historical Library, and the auditing of the accounts of which shall be subject to the approval of the Governor of the State of Illinois: And, provided further, that all such material shall be the property of the said Illinois State Historical Library, and shall be deposited among its archives for reference and safe keeping. [L. 1903, p.229.]

C. SUPREME COURT LIBRARY

(Smith-Hurd Illinois Anno Stats., ch.37, 1935, p.37, s 22)

22. Librarian. § 17. The judges of the Supreme Court shall appoint a librarian for the Supreme Court Library, located at the State Capitol, and prescribe his duties and fix his compensation not exceeding three thousand six hundred dollars per year, to be paid as other expenses of the Supreme Court are paid. Such librarian, before entering upon the duties of his office shall give bond payable to the People of the State of Illinois in the penal sum of five thousand dollars with security to be approved by two judges of said court conditioned for the due preservation of the books belonging to the library, in his charge, and for the faithful performance of his duties as such librarian. [Am. by L. 1933, p.464.]

D. LEGISLATIVE REFERENCE BUREAU

(Smith-Hurd Illinois Anno Stats, ch 63, 1936, p 16-19, s 25-28, 30-32, *Ibid* 1941 Suppl p 4, s 29)

25. Joint legislative bureau established. § 1. There is hereby established a joint legislative reference bureau composed of the Governor, the chairman of the committees on appropriations of the Senate and of the House, the chairman of the committees on judiciary of the Senate and of the House. The Governor shall be ex officio chairman of said reference bureau. [Ill. Rev. Stat , 1939, p.1754]

26 Terms of office. § 2 The Governor shall serve as a member of said reference bureau during the term of office for which he shall have been elected, and those members serving on said reference bureau by virtue of being chairman of committees of either House shall serve until their successors are appointed at the next General Assembly [Ill Rev Stat , 1939, p 1754]

27. Meeting; no compensation. § 3 The said reference bureau shall meet during the regular and special sessions of the General Assembly and during the intervals between the regular sessions, and at such times and places as the chairman of the bureau may determine. The members of the bureau shall receive no compensation for their services as members thereof, but shall be allowed their actual and necessary expenses incurred in the performance of their official duties out of any money appropriated for the use of the said reference bureau. [Ill Rev. Stat , 1939, p.1754.]

28 Secretary and employees. § 4 The said reference bureau shall appoint a secretary and such other officers, agents and employees as may be necessary to carry out the provisions of this Act, and shall fix the compensation of each of its appointees, none of whom shall be subject to civil service: Provided, the salary of the secretary be fixed at a sum not to exceed five thousand dollars (\$5,000) per annum. [Ill. Rev. Stat., 1939, p.1754.]

29. Duties of bureau. § 5. It shall be the duty of said reference bureau :

- (a) To establish in the State Capitol a reference bureau, which shall be open daily, excepting Sundays and legal holidays, in which shall be collected and kept in such manner as may make the same readily accessible, such laws, reports, books, periodicals, documents, catalogs, check-lists, digests, summaries of the laws of other states upon current legislation, and such other printed or written matter as may aid the members of the General Assembly in the performance of their official duties;
- (b) The reference bureau shall collect, catalog, classify, index, completely digest, topically index, check-list and summarize all bills, memorials, resolutions and orders, as well as substitutes and amendments and changes, if any, introduced in each branch of the General Assembly, as soon as practicable after the same shall have been printed, and shall furnish copies of the digest indexed and topically indexed, to each member of the General Assembly, on Monday of each week during the session of the General Assembly;
- (c) The said reference bureau shall afford to any member of the General Assembly, upon his request, such legal assistance and information as may be practicable in the preparation of bills, memorials, resolutions, orders and amendments, alterations, changes thereto, and revisions and substitutes thereof, proposed to be introduced into the General Assembly by said member.
- (d) The reference bureau shall, between sessions of the General Assembly, select such subjects and chapters of the statutory law as are deemed most in need of a revision and present to the next regular session of the General Assembly bills covering such revisions. In connection with such revisions, the reference bureau shall have full authority to recommend, and shall be charged with the responsibility of recommending, the revision, simplification and rearrangement of existing statutory law and the elimination from such law of obsolete, superseded, duplicated and unconstitutional statutes or parts of statutes, but shall make no other changes in the substance of existing statutes. Any such revisions, if enacted, would effect. An advisory committee on the revision of the statutes consisting of five members shall be appointed by the Legislative Reference Bureau. The members of such committee first appointed shall serve until the second Monday in January, 1945, and until their successors are appointed and qualified; and after the expiration of their terms, their successors shall be appointed for four years and until their successors are appointed and qualified. In case of vacancies the Governor shall appoint some person to serve upon such committee during the remainder of the term and until his successor shall be appointed and qualified. Members of the committee shall receive no salary. The committee shall have au-

thority to advise the reference bureau with respect to the revision of the statutes, and to make recommendations to the Governor and General Assembly with respect to such revision, when so requested or on its own initiative. [As amended 1941, May 16, Laws 1941, p.818, s.1.]

30. **Office; supplies.** Sec. 6. The Secretary of State shall provide said reference bureau with suitable offices in the State Capitol, convenient to the place of meeting of the General Assembly, and shall further provide said reference bureau with the necessary furniture, stationery and supplies. [Ill. Rev. Stat., 1939, p.1754.]

31. **Co-operation of State Library.** Sec. 7 The board of commissioners for the management of the State Library shall co-operate with the said reference bureau and shall make the facilities of said library accessible, so far as practicable, for the use of said reference bureau, and are hereby authorized to loan to said reference bureau, any books, periodicals, documents, reports or other printed or written matter belonging to said library. [Ill. Rev. Stat., 1939, p.1754.]

32. **Expenses.** Sec. 8. All proper expenses incurred by said reference bureau shall be paid out of the appropriations made for its use upon itemized vouchers, drawn by the secretary and approved by the Governor. [Ill. Rev. Stat., 1939, p.1754.]

E. COUNTY LIBRARY SYSTEM

(1) GENERAL PROVISIONS

(Smith-Hurd Illinois Anno Stats, ch 81, 1935, p 876-880, s 17-27)

17. **Duty of county commissioners or supervisors.** Sec. 1. Subject to the provisions of Section 11 of this Act, it shall be the duty of the board of county commissioners or the board of supervisors, as the case may be, of any county in this State, to establish, equip and maintain a public county library system. [Ill. Rev. Stat., 1939, p.1966]

18. **Contract to establish; approval.** Sec. 2. In performing this duty, the board of county commissioners, or the board of supervisors may, if it is deemed advisable, contract in writing, with an existing library in the county, to establish, equip and maintain a public county library system. The contract hereby authorized shall contain provisions requiring the contracting library to (a) establish, equip and maintain a county library; (b) to establish, equip and maintain such branches and stations of the county library in the various parts of the county as may be deemed necessary by the board of county commissioners or board of supervisors, as the case may be; (c) to acquire and circulate books, periodicals, pamphlets, musical scores and records, pictures, stereoptican (stereopticon) slides, motion picture films and other educational material, and (d) to do all other things necessary to carry on an efficient public county library system.

The making and performance of any such contract shall be under the supervision of the board of county commissioners or the board of supervisors, as the case may be.

No such contract shall be made unless the contracting library shall be approved by the Illinois Library Extension Commission [Ill. Rev. Stat., 1939, p.1966.]

19. County library board. Sec. 3. The public county library system, except in counties where such a system is maintained by contract with an existing library, shall be under the direct supervision and control of a county library board. This board shall consist of five members, who shall be appointed by the board of county commissioners, or the board of supervisors, as the case may be. Of the first members to be appointed, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and another for a term of five years. Thereafter, upon the expiration of each of these terms, the members of the county library board shall be appointed for terms of five years each. A vacancy upon the county library board shall be filled for the unexpired portion of the term in like manner. In counties where the public county library system is maintained by contract with an existing library, the making and performance of that contract shall be under the supervision of the board of county commissioners or the board of supervisors, as the case may be. [Ill. Rev. Stat., 1939, p 1966.]

20. Expenses of members. § 4. The members of the county library board shall serve without compensation but their actual and necessary expenses shall be a proper and legitimate charge against the library fund [Ill. Rev. Stat., 1939, p 1966.]

21. Officers of board. § 5. Immediately after their appointment the members of the county library board shall elect a president and a secretary-treasurer from among their number. [Ill. Rev. Stat., 1939, p 1966.]

22. Powers and duties of board; librarian. § 6. The county library board shall have power and it shall be its duty (a), to establish, equip and maintain a county library; (b), to establish, equip and maintain branches and stations of the county library in the various parts of the county; (c) to acquire and circulate books, periodicals, pamphlets, musical scores and records, pictures, stereoptican slides, motion picture films, and other educational material; (d), to receive and administer devises, bequests and gifts of real and personal property; (e), to appoint a county librarian and necessary assistants and employes, and to fix their compensation; (f) to make, alter and amend, from time to time, reasonable by-laws, rules and regulations for the operation of the public county library system; and (g), to do all other things necessary to carry on an efficient public county library system.

The county librarian, however, shall be appointed only upon the approval of the Illinois Library Extension Commission.

In establishing, equipping and maintaining branches or stations of the county library, the county library board may, if it is deemed advisable, contract, in writing, with existing libraries to serve as such branches or stations.

Whenever a county library board which has been duly appointed may desire to erect a library building, or to purchase a building or a site or both, for a library, or to accumulate a fund for either or both of these purposes, it shall proceed in the manner provided for the carrying out of similar purposes in an Act entitled, "An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, as amended [Ill. Rev. Stat., 1939, p.1966.]

23. Annual tax to be assessed. § 7. An annual tax of not to exceed two-thirds ($\frac{2}{3}$) of one mill on the dollar of the assessed value of all taxable property within each county which has established a public county library system shall be assessed, levied and collected by that county in the manner provided for the assessment, levy and collection of other taxes for county purposes [As amended by act approved July 7, 1927. L. 1927, p 592. Ill. Rev Stat, 1939, p. 1966.]

24 Proceeds of tax in separate fund; custodian to give bond; how expended. § 8. In counties having a population of 25,000 or more, the proceeds of this tax shall be deposited in the treasury of the county in a separate library fund. In counties having a population of less than 25,000, the proceeds thereof, shall be paid over by the person charged with the collection thereof to the county library board and deposited by it in a fund to be known as the county library fund; and in counties of such population such library board shall require the treasurer of such board or such other person as may be designated as the custodian of the moneys paid over to such board to give a bond to be approved by it and in such amount, not less than \$1,000 nor more than \$10,000 as the board may determine, conditioned that he will safely keep and will pay over upon the order of such board all funds received and held by him for such board.

No part of this fund shall be expended except upon warrants certified to as correct by the county librarian and approved by the president of the county library board. In cases where the public county library system is maintained by contract with an existing library, no part of the library fund shall be expended except upon warrants certified to as correct by the executive officer of that library and approved by the president of the board of trustees of that library. [As amended by act approved June 9, 1933. L. 1933, p.700. Ill. Rev. Stat., 1939, p.1966.]

25. Fiscal year coextensive with county year. § 9. The fiscal year of any public county library system shall be co-extensive with the fiscal year of that county. [Ill. Rev. Stat., 1939, p 1966.]

26. Report of board. § 10. Within thirty days after the close of each

fiscal year the county library board shall make a report to the board of county commissioners, or the board of supervisors, as the case may be. In cases where a public county library system is maintained by contract with an existing library, this report shall be made at the same time by the executive officer of that library. A copy of each report shall be filed at the same time with the Illinois Library Extension Commission.

This report shall be made in writing and verified under oath by the secretary or some other responsible officer of the county library board, or, in cases where a public county library system is maintained by contract with an existing library, by the executive officer of that library. It shall contain (a), an itemized statement of the various sums of money received from the library fund, or from other sources; (b), an itemized statement of the objects and purposes to which those sums of money have been devoted; (c), a statement of the number of books and periodicals available for use, and the number thereof circulated during the fiscal year, (d), a statement of the real and personal property acquired by devise, bequest, purchase, gift or otherwise, during the fiscal year, (e), a statement of the number, location and character of the branches or stations of the public county library system, if any, established during the fiscal year, (f), a statement of the character of any other extensions of public county library service undertaken during the fiscal year; and (g), any other statistics or information and any suggestion that may be required by the board of county commissioners, or board of supervisors, as the case may be [L. 1919, p.736. Ill Rev Stat, 1939, p.1966]

27. Referendum. Sec 11. None of the foregoing powers or duties shall be exercised, however, unless the question of establishing a public county library system shall have been submitted to the voters of the county, at a special election called for the purpose, or at a regular general election, and unless a majority of the votes cast at such election shall be in favor of the establishment of a public county library system.

This question shall not be submitted to the voters, however, unless there shall have been filed, at least sixty days prior to the date of either the special or general election, a petition therefor, signed by not less than one hundred legal voters of the county.

At least thirty days previous to either the special or general election, the county clerk shall make out and deliver to the sheriff of his county, in counties not under township organization, or to the several supervisors of his county, in counties under township organization, three notices of the election for each precinct or district in the county. This notice shall be substantially as follows:

Notice is hereby given that on at
 .. . in the county of an election will be held
 for the purpose of voting upon the establishment of a public county library
 system in this county, which election shall be opened at

o'clock in the morning and continued until o'clock in the afternoon of that day.

Dated at this day of A.D., 19....
 County Clerk

The sheriff or supervisor to whom the notices are delivered shall post up in three of the most public places in each precinct or district the three notices of election, at least twenty-five days before the date of either the special or general election.

The question of establishing a public county library system shall be printed upon separate ballots, each of which shall be in substantially the following from:

- ☐ FOR the establishment of a public county library system.
 - ☐ AGAINST the establishment of a public county library system
- [L. 1919, p.736. Ill. Rev. Stat., 1939, p 1966.]

(2) COUNTY LIBRARY TAX

(Smith-Hurd Illinois Anno Stats, ch 34, 1941 Suppl. p 18, s 25.)

25 Powers of county board. § 25. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The county boards of the several counties shall have power: . . .

Fifth. To cause to be levied and collected annually, taxes for county purposes, including all purposes, for which money may be raised by the county by taxation in counties having less than 135,000 inhabitants not exceeding twenty-five (25) cents on the one hundred dollars' valuation, in counties having 135,000 or more and less than 500,000 inhabitants not exceeding thirty-one (31) cents on the one hundred dollars' valuation for the year 1929 and twenty-five (25) cents on such valuation thereafter and in counties having 500,000 or more inhabitants not exceeding twenty-five (25) cents on the one hundred dollars' valuation for the year 1929, not exceeding thirty-two (32) cents on such valuation for the year 1930 and each even numbered year thereafter, and not exceeding twenty-eight (28) cents on such valuation for the year 1931 and each odd numbered year thereafter except for the payment of indebtedness existing at the adoption of the present State Constitution, and except for the payment of interest on and principal of bonded indebtedness heretofore duly authorized for the construction of State and roads in the county, and except for the payment of interest on and principal of bonded indebtedness duly authorized without a vote of the people of the county, and except taxes for working cash fund purposes, and except county highway taxes as authorized by Section 14 of "An Act in relation to State highways," approved June 24, 1921, and except taxes authorized under the provision of Section 7 of "An Act to provide for county library systems," approved June 28, 1919, as amended and except taxes for a "Mothers' Pension Fund," provided, that in counties of 500,000 or more inhabitants taxes levied for a "Mothers' Pension Fund"

after the year 1936 shall be within said rate, and except taxes for a "County Blind Relief Fund," and except taxes levied for the care of paupers and the relief and support of poor and indigent persons in counties under commission form of government and such taxes levied in the year 1935 in other counties; provided that any tax levied for the care of paupers and the relief and support of poor and indigent persons in any county in addition to and in excess of the maximum levy permitted by this paragraph for general county purposes shall be paid into a special fund in the county treasury and used only for the purpose for which it is levied and in counties under commission form of government such tax for the care of paupers and relief and support of poor and indigent persons shall not exceed thirty cents on the one hundred dollars valuation and shall not exceed the amount needed in such county for the care of paupers and for the relief and support of poor and indigent persons and shall not, together with other taxes levied for county purposes, exceed any constitutional limitation. Any taxes heretofore or hereafter levied for the care of paupers and the relief and support of poor and indigent persons in any county under the commission form of government may also be used for the payment of warrants issued against and in anticipation of such taxes and accrued interest thereon and may also be used for the payment of the costs of administering such care and relief to the extent, (when added to any other sum used for paying such cost) of ten per cent (10%) annually, of the total moneys received and expended for such care and relief in such counties during such year.

Provided, that in counties having five hundred thousand or more inhabitants, taxes levied for any year for any purpose or purposes, except amounts levied for the payment of bonded indebtedness or interest thereon and for pension fund purposes and for working cash fund purposes, shall be subject to the further limitation that they shall not exceed the estimated amount of taxes to be levied for such year for such purpose or purposes as determined in accordance with the provisions of subdivision sixth of Section 61 of this Act and set forth in the annual appropriation bill of such county and in ascertaining the rate per cent that will produce the amount of any tax levied in any such county, the county clerk shall not add to such tax or rate any sum or amount to cover the loss and cost of collecting said tax, except in the case of amounts levied for the payment of bonded indebtedness or interest thereon, and in the case of amounts levied for pension fund purposes.

Provided, further, that in counties having a population of 500,000 or more inhabitants, the county clerk shall in the year 1936, and each even numbered year thereafter, before extending the county tax for such year, reduce the levy for county purposes for such year (exclusive of levies for payment of indebtedness and payment of interest on and principal of bonded indebtedness as aforesaid, and exclusive of taxes for working cash fund purposes, exclusive of county highway taxes as aforesaid, and exclusive of pension fund taxes) in the manner described and in amount to be determined, as

follows, namely: If the amount received from the collection of the tax levied in the last preceding even numbered year for county purposes as aforesaid, as shown by the county treasurer's final settlement for such last preceding even numbered year and also by subsequent receipts of delinquent taxes for the county purposes fund levied for such last preceding even numbered year, shall equal or exceed the amount produced by multiplying the rate extended for such county purposes for such last preceding even numbered year by the total assessed valuation of all property in such county used in such year for purposes of state and county taxes, and by deducting therefrom the amount appropriated to cover the loss and cost of collecting taxes to be levied for such county purposes fund for the last preceding even numbered year, the clerk in determining the rate per cent to be extended for the county purposes fund shall deduct from the amount of the levy certified to him for county purposes as aforesaid for the year 1936 and subsequent even number years the amount received by the county clerk or withheld by the county treasurer from other municipal corporations within the county as their pro rata share of election expenses for the last preceding even numbered year, as authorized in Sections 75, 75a and 75b of "An Act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, as amended, and by Section 2 of "An Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, as amended, and the clerk in such counties shall extend only the net amount remaining after such deductions [Approved July 21, 1941]

F. MUNICIPAL LIBRARIES

(1) GENERAL PROVISIONS

(Smith-Hurd Illinois Anno Stats, ch 81, 1935, p 851-858, s 2-9, *Ibid* 1941 Suppl p 73, s 1)

1 **May establish; tax.** § 1 The city council of each incorporated city, whether organized under general law or special charter, shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one and two-tenths (1 and 2/10) mills on the dollar annually, on all the taxable property in the city for library purposes: *Provided, that, if the city council desires to levy in any one year a tax in excess of one and two-tenths (1 and 2/10) mills but not in excess of two (2) mills for such purpose, such city council may by ordinance, stating the tax rate desired, cause a proposition for an assent thereto to be submitted to the voters of such city at any general or special election, and, if a majority of the votes cast upon such proposition shall be in favor thereof, the city council may thereafter levy annually a tax for library purposes at the authorized increased rate.* *Provided, further,* that in cities of over one hundred and fifty thousand inhabitants, such tax shall not exceed three-quarters of one mill on the dollar of the assessed valuation or at such rate

which will produce, when extended, an amount not to exceed *two million two hundred and fifty thousand dollars (\$2,250,000)*, whichever may be greater, for maintenance and operation and an additional tax of one-tenth (1/10) of a mill on the dollar for the purchase of sites and buildings, for the construction and equipment of buildings, *for the rental of buildings required for library purposes, and for repairs and alterations of library buildings and equipment*, such tax to be levied and collected in like manner with the general taxes of said city, and to be known as a library fund; provided, that in cities, having a population of less than 5,000, the proceeds of such tax shall be paid over by the person charged with the collection thereof to the board of directors of such library; provided, that said library taxes shall be in addition to all other taxes or tax rates authorized to be levied by any city, village or incorporated town or other taxing authority and shall not be subject to reduction under the provisions of "An Act concerning the levy and extension of taxes," approved May 9, 1901, as amended, nor be a part of the taxes making up the aggregate which determines the rate of reduction under said Act, nor a part of the taxes making up the rate prescribed as the limit of reduction under said Act nor a part of the taxes making up any rate prescribed as a limitation on the amount of taxes any city, village, incorporated town or other taxing authority may levy. [Laws 1941, p.847, s 1.]

2. **Directors.** Sec 2. When any city council shall have decided to establish and maintain a public library and reading room, under this Act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the city council shall be at any one time a member of said board [Laws 1871-72, p.609, s 2.]

3 **Term of office; removal.** Sec 3 Said directors shall hold office one-third for one year, one-third for two years, and one-third for three years, from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first of July of each year, appoint as before three directors, to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any directors for misconduct or neglect of duty [Ibid s 3]

4. **Vacancies; compensation.** Sec 4 Vacancies in the board of directors, occasioned by removals, resignation, or otherwise shall be reported to the city council, and be filled in like manner as original appointments, and no directors shall receive compensation as such. [Ibid. s.4.]

5 **Organization; powers of directors; funds.** Sec. 5 Said directors shall immediately after appointment meet and organize by the election of one of their number president, and by the election of such other officers as

they may deem necessary. Such directors in cities having a population of 5,000 or less shall require the treasurer of such board or such other person as may be designated as the custodian of the moneys paid over to such board to give a bond to be approved by such board and in such amount, not less than one thousand nor more than ten thousand dollars, as may be fixed by such board, conditioned that he will safely keep and will pay over upon the order of such board all funds received and held by him for such board of directors. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient, not inconsistent with this Act. They shall have the exclusive control of the expenditure of all moneys collected for such library and deposited to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or building constructed, leased or set apart for that purpose. All moneys received for such library in cities having a population of over 5,000, shall be deposited in the treasury of said city to the credit of the library fund and shall be kept separate and apart from other moneys of such city. In cities having a population of 5,000, or less, it shall be the duty of the board of directors of such library to deposit all such moneys paid over to it in a fund to be known as the library fund. Such fund may be drawn upon by the proper officers of said library, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, or to purchase, lease, erect and occupy an appropriate building or buildings for the use of said library. When a building erected or purchased by the board is not adapted to its purposes or needs the board may remodel or reconstruct such building. Said board may also, with the approval and consent of the city council, board of trustees, or board of town auditors, as the case may be, sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes. Said board shall have the power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees, and shall, in general, carry out the spirit and intent of this Act, in establishing and maintaining a public library and reading room [L.1933, p.692, (H.B No 257)]

6. Who may use library. § 6 Every library and reading-room, established under this act, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading-room of the greatest benefit to the greatest number, and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules. And said board may extend the privileges and use of such library and reading-room to persons residing outside of such city in this state, upon such terms and conditions as said board may from time to time by its regulations prescribe.

[March 27, 1874, L.1873-74, p.121.]

7. Report of directors. § 7. Within fifteen days after the expiration of each fiscal year of the city, incorporated town, township or village, the board of directors shall make a report of the condition of their trust on the last day of the fiscal year, to the city council, board of town auditors or board of trustees, as the case may be. This report shall be made in writing and shall be verified under oath by the secretary, or some other responsible officer of the board of directors. It shall contain (a) an itemized statement of the various sums of money received from the library fund and from other sources; (b) an itemized statement of the objects and purposes for which those sums of money have been expended; (c) a statement of the number of books and periodicals available for use, and the number and character thereof circulated, (d) a statement of the real and personal property acquired by devise, bequest, purchase, gift or otherwise; (e) a statement of the character of any extensions of library service which have been undertaken, (f) a statement of the financial requirements of the library for the ensuing fiscal year, and of the rate of tax which, in the judgment of the board of directors, it will be necessary to levy for library purposes in the next annual tax levy ordinance, and (g) any other statistics, information and suggestions that may be of interest. A report shall also be filed, at the same time, with the Illinois Library Extension Commission [May 10, 1919, L. 1919, p 639]

8. Penalties. § 8 The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library. [Laws 1871-72, p 609, s.8]

9 Donations. § 9 Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property the said board shall be held and considered to be special trustees [Ibid s 9]

(2) CHICAGO PUBLIC LIBRARY

(Smith-Hurd Illinois Anno Stats, ch 81, 1935, p 884, s 31, *Ibid* 1941 Suppl. p 80, s 30)

30. Authorized to erect public library on Dearborn Park—Memorial hall. § 1. The Chicago public library be and it is hereby authorized to take possession of the piece of ground now known as Dearborn park, in that part of the City of Chicago, State of Illinois, known as the Fort Dearborn addition to Chicago, and bounded on the north by the south line of Randolph street, on the east by the west line of Michigan avenue, on the south

by the north line of Washington street, on the west by the east line of an alley known as Dearborn place, and to erect and maintain thereon a public library building under and in pursuance of the power and authority conferred upon said the Chicago public library by an act entitled "An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, and the various amendments thereto: Provided, that no building shall be erected upon the north one-quarter ($\frac{1}{4}$) of said ground by the Chicago public library until it has obtained, by purchase or otherwise, whatever interest the Soldiers' Home in Chicago acquired in the same, under and by virtue of an act entitled, "An Act to authorize the Soldiers' Home in Chicago to erect and maintain a soldiers' memorial hall on the north one-quarter ($\frac{1}{4}$) of Dearborn park, in the City of Chicago," approved June 4, 1889. And provided, further, that in case the Chicago public library, shall obtain, by purchase or otherwise, whatever interest the Soldiers' Home in Chicago may have in said north one-quarter ($\frac{1}{4}$) of Dearborn park, then and in such case the Chicago public library, in erecting such library building, shall construct in such part of it as it may elect or determine a hall to be known and forever maintained as a memorial hall to commemorate the patriotism and sacrifices of the Union soldiers and sailors of the late civil war, which hall, when completed, may be leased by the Chicago public library at a nominal rental for the period of fifty years to the grand army hall and memorial association of Illinois, to be used by it and such other organizations of Union soldiers and sailors of the late civil war having their headquarters in Cook County, as it may direct, for the purposes of their organization [Ill. Rev Stat 1939, p 1960.]

31 **Soldiers' home authorized to sell, etc.** § 2 The Soldiers' Home in Chicago is hereby authorized to sell, assign, transfer and convey to the Chicago public library, upon such terms and conditions as may be agreed upon, all the right, title and interest which said Soldiers' Home in Chicago now hold in or to the north one-quarter ($\frac{1}{4}$) of said Dearborn park; and when such assignment or conveyance is made the said Chicago public library shall become seized and possessed of all the rights and interest in and to said north one-quarter ($\frac{1}{4}$) of Dearborn park that are now held by the Soldiers' Home in Chicago, or by the State of Illinois, and may take possession of and use the same for library purposes as provided in section 1 of this act [Ill Rev. Stat, 1939, p.1960]

G. TOWN, VILLAGE AND TOWNSHIP LIBRARIES

(1) GENERAL PROVISIONS

(Smith-Hurd Illinois Anno Stats, ch 81, 1935, p 865, s 11; *Ibid* 1941 Suppl ch 81, p 75, 79, s 10, 16c-16e)

10. **Towns, villages and townships; Election.** § 10. When fifty legal voters of any incorporated town, village or township shall present a petition

to the clerk of the town, village or township (or trustee of schools in counties not under township organization) asking that an annual tax may be levied for the establishment and maintenance of a free, public library in such town, village or township, and shall specify in their petition a rate of taxation not to exceed *two (2)* mills on the dollar, such clerk (or trustee of schools in counties not under township organization) shall, in the next legal notice of the regular annual election, in such town, village or township, or of a special election called for that purpose, give notice that at such election every elector may vote "for a mill tax for a free public library," or "against a mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition; and for six persons as library directors, two to serve until the next election held in an odd numbered year in the town, village or township, two to serve for two years thereafter and two to serve for four years thereafter and until their successors are duly elected and qualified in accordance with the provisions of Section 11 of this Act, and if the majority of all the votes cast in such town, village or township shall be "For" the tax for the free public library, the tax specified in such notice, but not exceeding *two (2)* mills on the dollar, shall be levied and collected annually in like manner with other general taxes of said town, village or township; provided, that in towns or villages having a population of 5,000 or less the proceeds thereof shall be paid over by the officer charged with the collection thereof to the board of directors of such library upon their election and qualification as such board of directors. In all towns, villages or townships in which such taxes are levied, the proceeds thereof shall be deposited in a fund which shall be known as the "library fund" In the event that a majority of the votes cast at any such election are in favor of such library tax the six persons who shall receive the highest number of votes for library directors cast at such election shall constitute the board of library directors; Provided that in villages under the commission form of government the council at its first regular meeting following such election shall appoint a board of library directors of six members, two to hold until the first regular meeting of the next succeeding fiscal year, two to hold for one year thereafter and two to hold for two years thereafter and their respective successors appointed at such meetings and each year thereafter shall hold for a three-year term and until their successors are appointed and qualified. Provided, that such tax rate may be increased to not to exceed *two (2)* mills, or said tax shall cease in case the legal voters of such town, village or township shall so determine by a majority vote at an annual or special election held therein. The corporate authorities of such towns, villages or townships may exercise the same powers as those conferred upon the corporate authorities of cities under this Act and may levy the same tax as is provided in this Act: Provided, that such tax be in addition to all other taxes or tax rates authorized to be levied by any incorporated town, village or township or other taxing authority and shall not be a part of the

taxes making up any rate prescribed as a limitation on the amount of taxes any village, incorporated town or township or any other taxing authority may levy; and, provided, further, that whenever the petition, signed and filed with such clerk (or trustee of schools in counties not under township organization) as above provided, shall request the holding of a special election for the purpose of voting upon the proposition of authorizing the levy of said specified tax for a free public library and the election of directors, such clerk (or trustee of schools) shall promptly call such election in the manner provided by law for the calling of elections in such village, town or township [As amended by act approved July 18, 1941.]

11 Election or appointment of directors. § 11 As the terms of the directors elected in any town or village which has voted to establish a free library and elected directors expire, their successors shall be elected at the annual elections in such town or village to hold their office for three years and until their successors are elected and qualified. The incumbent directors of the library board of any township shall serve the term for which they were elected and until their successors are elected and qualified. The successors of the directors whose terms expire in 1932, shall be elected at the regular township election of that year for a term of five years or until their successors are elected and qualified. The successors of the directors whose terms expire in 1933, shall be elected at the regular township election of that year for a term of six years or until their successors are elected and qualified. The successors of the directors whose terms expire in 1935, shall be elected at the regular township election of that year for a term of six years and until their successors are elected and qualified. The successors of the township library board of directors herein required to be elected shall be elected for a term of six years or until their successors are elected and qualified two at each regular township election held in an odd numbered year beginning in 1935. At the first regular township election in an odd numbered year, following the establishment of a township library, six directors shall be elected, two for terms of two years, two for terms of four years and two for terms of six years and until their successors are elected and qualified. The successors of these directors shall be elected for six year terms, and until their successors are elected and qualified two at each regular township election occurring in an odd numbered year; provided, that the council in villages under the commission form of government shall elect successors of incumbent trustees whose terms expire in 1934, 1935 and 1936, respectively, at the first regular meeting of the fiscal years beginning in 1934, 1935 and 1936 to take office on such dates and hold for a three-year term and until their successors are appointed and qualified and at such meeting in 1937, and each year thereafter the council shall appoint successors for the trustees whose terms then expire to hold for three years and until their successors are appointed and qualified.

Said boards of library directors, in addition to the powers herein specified shall have the same powers as are by this Act conferred upon the board

of directors of free public libraries in cities, and may contract with any library association, school board, or any municipal library board in the State of Illinois for library service: And, provided further, that said board may join with the board or boards of any one or more libraries of any city, town, village, township, or for the maintenance of a common library for such cities, towns, villages, or townships upon such terms as may be agreed upon by and between the said boards.

In case any vacancy occurs in the membership of any board of directors elected under this Act, such vacancy may be filled by the remaining directors until the next annual library election, at which election a director to fill such vacancy shall be elected. [As amended by act approved May 22, 1933. L. 1933, p 697]

§ 11. As the terms of the directors elected in any town or village which has voted to establish a free library and elected directors expire, their successors shall be elected to hold their office for six years and until their successors are elected and qualified The successors of library directors of any township whose terms expire in 1935, 1937 and 1939 respectively shall be elected at the regular township elections in those years and every six years thereafter to serve for six year terms and until their successors are elected and qualified The successors of library directors of any town or village whose terms expire in 1934, 1935 and 1936, respectively shall be elected at the annual town or village election in such years to serve for terms of three, four and five years respectively and their successors elected at the town or village elections in 1937, 1939 and 1941 and every six years thereafter shall serve six year terms, and until their successors are elected and qualified The successors of these directors shall be elected for six year terms, and until their successors are elected and qualified two at each regular election occurring in an odd-numbered year, provided, that the council in villages under the commission form of government shall elect successors of incumbent trustees whose terms expire in 1934, 1935 and 1936, respectively, at the first regular meeting of the fiscal years beginning in 1934, 1935 and 1936 to take office on such dates and hold for a three-year term and until their successors are appointed and qualified and at such meeting in 1937, and each year thereafter the council shall appoint successors for the trustees whose terms then expire to hold for three years and until their successors are appointed and qualified

Said boards of library directors, in addition to the powers herein specified shall have the same powers as are by this Act conferred upon the board of directors of free public libraries in cities, and may contract with any library association, school board, or any municipal library board in the State of Illinois for library service And, provided further, that said board may join with the board or boards of any one or more libraries of any city, town, village, township, or for the maintenance of a common library for such cities, towns, villages, or townships upon such terms as may be agreed upon by and between the said boards.

In case any vacancy occurs in the membership of any board of directors elected under this Act, such vacancy may be filled by the remaining directors until the next annual library election, at which election a director to fill such vacancy shall be elected. [As amended by act approved July 8, 1933. L. 1933, p.699]

16c Village Libraries; establishment; donations. § 1. The board of trustees of any village shall have authority to establish and maintain a free, public library therein in any premises which may be available or which may be donated to such village for library purposes. The board may accept donations of such physical equipment as is suitable to the maintenance of a free, public library [Laws 1939, p 700]

16d. Library Commission; compensation of members. § 2 The board of trustees shall appoint a library commission of three members who shall hold office at the pleasure of the board. Members of the commission shall receive no compensation but shall be reimbursed for expenses incurred in the performance of their duties. The commission shall conduct said library in accordance with the rules adopted by it, shall employ such assistants as may be necessary and shall fix their compensation. [*Ibid.*]

16e Indebtedness; taxes. § 3 Nothing herein contained shall be construed to confer on any village authority to incur any indebtedness or to levy any additional taxes for the purpose of administering this Act. The powers herein contained are in addition to and not in limitation of any powers elsewhere granted to villages to establish and maintain free, public libraries [*Ibid.*]

(2) BOND ISSUES

(Smith-Hurd Illinois Anno Stats , ch 81, 1935, p 894-898, s 46-54.)

46 Borrowing money for library purposes. § 1 For the purpose of erecting, repairing or improving library buildings or purchasing sites for library buildings, the directors of any township library, organized under the laws of this State, when thereunto authorized by majority of all the votes cast at an election called for that purpose, may borrow money, and may issue bonds therefor, in the sums of not less than one hundred dollars (\$100) bearing interest at a rate not exceeding six per centum per annum and for a term not to exceed twenty years. Provided, that the sum borrowed in any one year shall not exceed five per centum (including existing indebtedness) of the taxable property of the township, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness [Ill. Rev 1939, p.1970]

47 Issuing bonds; registered. § 2. All bonds authorized to be issued by virtue of the foregoing section before being so issued, negotiated and sold shall be signed by the president and secretary of such board of directors, and shall be registered, numbered and countersigned by the supervisor of the township wherein such library is located. Such registry shall be made in

a book to be kept for that purpose; and in such register shall be first entered the record of the election authorizing the directors to borrow money, and then a description of the bonds issued by virtue of such authority as to number, date, to whom issued, amount, rate of interest and when due. [Ill. Rev. 1939, p.1970]

48. Money delivered to supervisor. § 3. All moneys borrowed under the authority granted by this act shall be paid to the supervisor of the township wherein the bonds issued therefor are required to be registered, and upon receiving such moneys, the supervisor shall deliver the bond or bonds issued therefor, to the parties entitled to receive the same, and shall credit the sums received to the library fund of township issuing the bonds. The said supervisor of said township shall enter in the said bond register the exact amount received for each and every bond issued And when any such bonds are paid, the supervisor shall cancel the same and shall enter in the said bond register against he record of such bonds, the words "Paid and canceled the day of A D.," filling the blanks with the day, month and year corresponding with the date of such payment. [Ill. Rev. 1939, p 1970]

49. Election on borrowing money; notice. Sec 4 Whenever it is desired to hold an election for the purpose of borrowing money as provided for in this act, the board of directors of the public library of such township shall give at least ten days' notice of the holding of such election by posting notices in at least five of the most public places in said township and also by publishing such notice at least once in some newspaper published in said township, if any such there be. Such notices shall specify the place where such election is to be held, the time of opening and closing the polls (which shall be not less than four consecutive hours), and the question or proposition to be voted upon, which notice of election may be substantially in the following form, viz.:

Notice of Election

Public notice is hereby given that on the day of ..
, A D., an election will be held at
 in township, being township No. range
 of the principal meridian in..... county in
 Illinois, for the purpose of voting "For" or "Against" the proposition to
 issue the bonds of said township to the amount ofdollars due
 (here insert the times of payment, giving the amount falling due in each
 year, if the bonds mature at different dates), which bonds are to bear
 interest at the rate of per cent per annum, payable
 annually.

The polls of said election will be open from.... o'clock.....M.
 until o'clock.... M

Dated this.... day of , A.D.

Board of Directors of Public Library
 President.
 Secretary

[Ill. Rev. 1939, p 1970.]

50 Judges of election; oath. Sec 5. At such election two of the directors of such library shall act as judges and one of said directors shall act as clerk. In case either or any of said directors shall fail, from any cause, to be present or to act at such election, at the time of opening the polls therefor, the legal voters assembled shall choose from their number two persons to act as two judges and a clerk of such election. The said judges and the said clerk shall take and subscribe the oath required of judges and clerks of an election held for state and county officers, and such oath shall be administered in the same manner as is or may be provided for administering oaths to judges and clerks at a state or county election. At such election all votes shall be by ballot. [Ill. Rev 1939, p 1970]

51. Failure to return poll book. Sec 6 Within ten days after every such election the judges shall cause the poll book to be returned to the town clerk of the township in which such library is located with a certificate thereon showing the result of such election, which poll book shall be filed and safely kept by the said town clerk, and shall be evidence of such election. For a failure to return such poll book to said town clerk within the time prescribed, the judges and clerks of such election shall severally be liable to a penalty of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), to be recovered in a suit in the name of the People of the State of Illinois, before any justice of the peace, and when collected shall be added to the library fund of the township in which such library is located. [Ill Rev 1939, p 1970]

52 Refunding bonds. § 7 In all cases where any board of directors of any township library have issued or may hereafter issue bonds, or other evidence of indebtedness for money on account of any public library building, or for the improvement thereof, which remain outstanding and which are properly authorized by law, such board of directors may, upon the surrender of any such bonds or other evidence of indebtedness or any number thereof, issue in place or in lieu thereof, or to take up the same to the holders or owners of the same, or to other persons for moneys with which to take up the same, new bonds or other evidences of the indebtedness in such form, of such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of interest, not exceeding six per centum per annum, as may be determined upon, and such new bonds or other evidences of indebtedness so issued shall show that they are issued under this act. Provided, that the issue of such new bonds in lieu of such indebtedness shall be authorized by the legal voters of such township voting at an election called, and conducted as other elections provided for in Section 4 of this act: and, provided, further that such bonds or other

evidence of indebtedness shall not be issued so as to increase the aggregate indebtedness of such township beyond five per centum of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes prior to the issuing of such bonds or other evidences of indebtedness. [Ill. Rev 1939, p.1970.]

53. Certificate for tax levy. § 8 The board of directors of the public library of any township, which shall have issued bonds pursuant to the provisions of this act, shall, on or before the first Tuesday in August of each year, ascertain as near as practicable, the amount of money which must be raised by special taxation for the ensuing year, for the purpose of paying the interest upon such bonds and the principal thereof, as they shall respectively become due; and shall cause the same to be certified, under the hands of the president and secretary of such board of directors, and filed in the office of the county clerk of the county in which library is situated, on or before the second Monday in August of each year; which certificate may be substantially in the form following

We hereby certify that the Board of Directors of the
Public Library have determined that they will require the sum of. . . .
. . . dollars (\$), to be levied as a special tax upon the taxable
property of Township, for the year A D
for the purpose of paying the bonds of said Township and the interest
thereon.

Given under our hands, this . . . day of . . .
A D . . .

Board of Directors of . . . Public Library
President
Secretary

[Ill Rev 1939, p 1970]

54 County clerk to compute tax; levy. § 9 It shall be the duty of the county clerk when making out the tax books for the collector to compute each taxable person's taxes in such township upon the total amount of taxable property as equalized by the State Board of Equalization for that year, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies in such township. Such computation shall be made so as to realize the amount of money required to be raised in such township, as shown and set forth in the certificate of tax levy, made out by the board of directors of such public library and filed with the said county clerk as required by the provisions of this act. The said county clerk shall cause each person's tax so computed to be set upon the tax books to be delivered to the collector for that year in a separate column, against each taxpayer's name, or parcel of taxable property, as it appears in said collector's books, to be collected in the same manner and at the same time and by the same persons as state and county taxes are collected. The computation of each person's tax and the levy

made by the clerk, as aforesaid, shall be final and conclusive: Provided, that the rate shall be uniform and shall not exceed that required by the amount certified by the board of directors as aforesaid, together with the estimated cost of extending and collecting the same. (L. 1905, p.313.) [Ill. Rev. 1939, p.1970.]

(3) LIBRARIES AND GYMNASIUM TAX

(Smith-Hurd Illinois Anno. Stats, ch.81, 1941 Suppl. p.82-83, s.74-75.)

74. Tax authorized; amount; use of fund; report to village board; copy to be filed. § 1 The corporate authorities of any village of 1,000 population or less, in which a free public library and gymnasium has been established by public and private, or public or private, grant or donation, absolutely or in trust, on land conveyed therefor to such village, where the management thereof has been vested by any such donor in a board of trustees from time to time elected in accordance with Sections 10 and 11 of "An Act to authorize cities, villages and incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved March 7, 1872, as amended, may levy a tax of not to exceed three mills on the dollar annually, on all the taxable property in such village, for the maintenance and operation of such library and gymnasium. Such tax shall be levied and collected with the general taxes of such village, and the proceeds shall be deposited in the treasury of such village to the credit of the library and gymnasium fund and kept separate and apart from other moneys of such village. Such fund shall be drawn upon by the proper officers of such library and gymnasium upon the properly authenticated vouchers of the library and gymnasium board, provided that no trustee shall receive compensation as such from said fund.

The board of trustees shall make a report to the village board, and file a copy thereof with the Illinois State Library in accordance with section seven of "An Act to authorize cities, villages, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved March 7, 1872, as amended. Such taxes shall be in addition to the maximum of taxes permitted under Section 1 of Article VIII of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended, and shall not be scaled under the provisions of "An Act concerning the levy and extension of taxes," approved May, 1901, as amended [Ill. Rev Stat. 1939, p.1974.]

75 Act to be submitted to voters. § 2. This Act shall not become effective in any village to which it is applicable until the same shall first have been submitted to a vote of the inhabitants of such village at a general or special election called for that purpose, provided that thirty days notice of such election shall be given by posting notices in five of the most public places in such village.

If a majority of those voting upon the proposition shall be for the adoption of this Act it shall thereafter be of full force and effect in such village,

but if a majority be against the adoption of this Act, it shall not be again submitted to a vote until two years after the date of such election. [Ill. Rev. Stat 1939, p 1974]

H. LIBRARY ASSOCIATIONS AND CORPORATIONS

(Smith-Hurd Illinois Anno Stats , ch 81, 1935, p 881 882, 884-886, s 28, 29, 32-35.)

28 Library associations may sell, etc., to public libraries; meeting; notice. § 1. Whenever any library association organized under any law of this state, and owning any real or personal property in this state, shall desire to sell or lease the same, or any part thereof, absolutely or with conditions, to the board of directors of any free public library, organized under the laws of this state, such sale or lease may be made in the manner following, viz the directors of such association shall call a meeting of all the members, subscribers or stockholders thereof, to be held at the rooms of said library or office of the secretary of such association, written or printed notice of the time, place and object of such meeting, and of the terms and conditions of the proposed sale or lease being first mailed, at least thirty (30) days prior to the time of such meeting, to the address of each member, subscriber or stockholder whose place of residence is known to any of the officers or directors of such association, and by publishing such notice for at least thirty (30) consecutive days next preceding the time of such meeting, in some newspaper published and of general circulation in the county where the property of said association is situate [Ill Rev. Stat 1939 p 1967]

29 Vote; manner of making conveyance, etc. § 2 If the members, subscribers or stockholders representing the majority in amount of the stock of such association, shall vote, at such meeting, in favor of such sale or lease upon the terms or conditions specified in such notice, or, in case said association shall consist of two or more departments, if a majority of the members, subscribers or stockholders of each department shall vote at such meeting in favor of such sale or lease so specified, then the president and secretary shall cause a record of the proceedings of such meeting, verified by the oath of the president thereof, together with an affidavit of the service or publication of notice as herein required, to be filed in the office of the clerk of the circuit court of the county where the property of such association is situate, after which the president and secretary of the said association shall be and are hereby authorized and empowered to execute any and all necessary deeds, leases, bills of sale, or other instruments in writing, to carry out the object and intent of said vote, which, when duly executed, shall be sufficient to pass to the board of directors of such free public library all the legal and equitable title of said association in and to the real or personal property in said instrument described as therein set forth. [Ill. Rev. Stat 1939, p.1967]

32 May form corporation when library founded by donation. Sec. 1. Whenever property, real or personal, has heretofore been or shall hereafter

be devised or bequeathed by last will and testament, or granted, conveyed or donated by deed or other instrument, to trustees to be applied by them to the foundation and establishment in any of the cities, villages and towns of this state of a free public library, it shall be lawful, when not otherwise provided in said will or other instrument or gift, for the acting trustees in any such case, in order to promote the better establishment, maintenance and management of such library, to cause to be formed a corporation under the provisions of this act, with the rights, powers and privileges hereinafter provided for [Ill. Rev 1939, p 1967]

33 Statement for incorporation filed with the Secretary of State. Sec. 2. Such acting trustees may make, sign and acknowledge before any officer authorized to take acknowledgments of deeds in this state, and file in the office of the Secretary of State a statement in writing, in which shall be set forth the intent of such trustees to form a corporation under this act, a copy of the will or other instrument by which endowment under this act; a copy of the will or other instrument by which endowment of said library has been provided, the name adopted for the proposed corporation (which shall not be the name of any other corporation already existing); the city, village or town in which the library and the principal place of business of the corporation will be located, the number of managers who may be denominated trustees, managers or directors of the corporation; and the names of the trustees, managers or directors who are to constitute the original board of such officers, and who shall hold until their successors respectively are elected and qualified, as in this act provided [Ill Rev 1939, p 1967.]

34 Certificate of incorporation. Sec 3 Upon the filing in his office of such a statement as aforesaid the Secretary of State shall issue to the incorporators, under his hand and seal of state, a certificate, of which the aforesaid statement shall be a part, declaring that the organization of the corporation is perfected. The incorporators shall thereupon cause such certificate to be recorded in a proper record book for the purpose in the office of the recorder of deeds of the county in which the said library is to be located; and thereupon the corporation shall be deemed fully organized and may proceed to carry out its corporate purposes, and may receive by conveyance, from the trustees under said will, deed or other instrument of donation, the property provided by will or otherwise as aforesaid for the endowment of said library, and may hold the same in whatever form it may have been received or conveyed by said trustees until such form shall be changed by the action of the said corporation [Ill Rev 1939 p 1967]

35. Powers of corporation; duties of trustees; taxation; reports, etc.
§ 4 Organizations formed under this act shall be bodies corporate and politic to be known under the names stated in the respective certificates or articles of incorporation, and by such corporate names they shall have and possess the ordinary rights and incidents of corporations, and shall be capable of taking, holding and disposing of real and personal estate for all

purposes of their organization. The provisions of any will, deed or other instrument by which endowment is given to said library and accepted by said trustees, managers or directors shall, as to such endowment, be a part of the organic and fundamental law of such corporation.

The trustees, managers or directors of any such corporation shall compose its members, and shall not be less than seven nor more than fifteen in number; shall elect the officers of the corporation from their number; and shall have control and management of its affairs and property; may accept donations, and in their discretion hold the same in the form in which they are given, for all purposes of science, literature and are germane to the object and purpose of said corporation. They may fill by election, subject to the approval of the chief justice, for the time being, of the Supreme Court of Illinois, vacancies occurring in their own number by death, incapacity, retirement or otherwise, and may make lawful by-laws for the management of the corporation and of the library, which by-laws shall set forth what officers there shall be of the corporation, and shall define and prescribe their respective duties. They may appoint and employ from time to time such agents and employees as they may deem necessary for the efficient administration and conduct of the library and other affairs of the corporation. Whenever any trustee, manager or director shall be elected to fill any vacancy, a certificate under the seal of the corporation, giving the name of the person elected, shall be recorded in the office of the recorder of deeds where the articles of incorporation are recorded.

Whenever, by the provisions of such will, deed or other instrument by which endowment is created, the institution endowed is declared to be and is free and public, the library and other property of such corporation shall be forever exempt from taxation.

The trustees, managers or directors of such corporation shall, in the month of January in each year, cause to be made a report to the Governor of the state for the year ending on the thirty-first day of December, preceding, of the condition of the library and of the funds and other property of the corporation showing the assets and investments of such corporation in detail [Ill Rev. 1939, p.1967]

I. SCHOOL LIBRARIES

(Smith-Hurd Illinois Anno. Stats, ch 122, 1941 Suppl. p 48, s 123.)

123. **Powers of directors.** Sec 115 The board of school directors shall be clothed with the following powers:

* * * * *

Seventh—To repair and improve school houses and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel. [L. 1937, p 1116]

J. LIBRARY EMPLOYEES' PENSION FUND**(1) CITIES EXCEEDING 500,000 POPULATION**

(Smith-Hurd Illinois Anno Stats., ch 81, 1935, p.898, s.55, see also 1941 Suppl. p.81-82, s 56-66)

55. **Fund; how created.** § 1. The board of directors of public libraries organized under an Act of the General Assembly of the State of Illinois, entitled "An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, and maintained thereunder in cities having a population exceeding five hundred thousand inhabitants shall have power and it shall be its duty to create a public library employees' pension fund, which shall consist of amounts retained from the salaries or wages of employes, as hereinafter provided, which amounts shall be deducted in equal monthly installments from such salaries or wages at the regular time or times of the payment thereof, all fees or penalties collected for retention of books beyond the time prescribed by rule of the board of directors by virtue of by-laws, rules and regulations adopted under authority of section 5 of the Act herein referred to by its title, and such other moneys derived from miscellaneous sources as the board of directors shall determine. [L. 1931, p.666 s 1.]

NOTE —See also s 56-66 following, 1941 Supp

(2) ELIGIBLE UNDER MUNICIPAL RETIREMENT FUND

(Smith-Hurd Illinois Anno Stats ch 24, 1941 Suppl p 174, s 1175 and following)

K. MISCELLANEOUS PROVISIONS**(1) REPAIR OF LIBRARY BUILDINGS**

(Smith-Hurd Illinois Anno Stats , ch 81, 1941 Suppl p 76-78, s 13-16)

13 **Purchase of sites and buildings; erection, repair or remodeling of buildings; accumulation of funds; procedure; bond issue; interest; irrevocable tax levy; spreading of cost; tax levy.** Whenever any board of directors of any public library organized under the provisions of this Act, shall determine to erect a building to be used for their library, or to purchase a site for the same, *or to repair, remodel or improve an existing library building, or to build an addition to an existing library building,* or to furnish necessary equipment therefor, or to do any or all of said things, or to purchase a building and site, and necessary equipment for said library, or to provide or accumulate a fund for the *erection of a new building, the purchase of such building, the remodeling, repairing or improving of an existing library building or the building of an addition thereto* or to pay for a library site, or to purchase necessary equipment for said library, or to do any or all of said things, they may do so as follows:

In case a new building is to be erected, or an existing library building is to be

*remodeled, repaired, improved or an addition thereto erected, or necessary equipment therefor purchased or any or all of said things are to be done, the board of directors shall cause a plan for such library building or for the remodeling, repairing or improving of such library building or the building of an addition thereto or the purchase of necessary equipment therefor to be prepared and an estimate to be made of the cost. If a site is to be provided for the same; they shall also cause an estimate to be made of the cost of such site. If necessary equipment is to be provided for said library they shall cause an estimate to be made of the cost of such equipment. They may then determine the term of years over which they shall spread the collection of the cost of such building or the remodeling, repairing, or improving of an existing library building or the erection of an addition thereto, or site, or equipment, or any or all of said things, not exceeding twenty (20) years, and shall make a record of their said proceedings. The library directors of a public library organized in any city, village, or incorporated town and townships shall transmit a copy of the record of their said proceedings to the city council or board of trustees for its approval. If such city council or board of trustees shall approve the action of the library board, it may, by ordinance, provide that the bonds of the city, village or incorporated town and townships be issued for the payment of the cost (so estimated as aforesaid) of the said building, remodeling, repairing, improving of an existing library building or the erection of an addition thereto or site, or equipment, or any or all of said things, in which event the said ordinance shall also state the time or times when such bonds, and the interest thereon shall become payable, *Provided*, That the whole of the principal of such bonds and the interest thereon shall be payable within twenty (20) years, *Provided, further*, that the interest on such bonds shall not exceed the rate of five (5) per cent per annum, but the said interest may be made payable at such times (annually or semi-annually) as the said ordinance may prescribe. *Provided*, always, that in case said council or board of trustees shall provide for such payment by the issuance of bonds, it shall make provision at or before the issuance thereof, by ordinance, which shall be irrevocable, for the levy and collection of a direct annual tax upon all the taxable property within such city, village or incorporated town and townships, sufficient to meet the principal and interest of said bonds as the same mature, which tax shall be in addition to that otherwise authorized to be levied and collected for corporate purposes. If, however, the said council or board of trustees shall not provide that bonds of the city, village, or incorporated town and townships be issued as and for the purpose aforesaid, but shall otherwise approve the action of the said library board, then the library board shall divide the total cost of said building or site, or the remodeling, repairing or improving of an existing library building, or the erection of an addition thereto or equipment, or any or all of said things, into as many parts as they shall determine to spread the collection thereof, and shall certify the amount of one of said parts to said council or board of trustees each and every year during the terms over which they shall have determined to spread the collection of the cost of such building, or site,*

or the remodeling, repairing, or improving of an existing library building, or the erection of an addition thereto or equipment or any or all of said things.

The said council or board of trustees on receiving said last mentioned certificate shall, in its next annual appropriation bill, include the amount so certified, and shall, for the amount so certified levy and collect a tax to pay the same with the other general taxes of the city, village or incorporated town *and townships*, and the proceeds of such tax shall be paid over by the officer charged with the collection thereof to the board of directors of such library in cities, villages, incorporated towns, *and townships* having a population of five thousand inhabitants or less to be applied by such board of directors to the purpose for which such tax was levied *Provided*, the said levy shall not exceed one and two-thirds ($1\frac{2}{3}$) mills on the dollar in any one year, and shall not be levied oftener than for the number of years into which the library board in those cases where bonds are not issued, as aforesaid, shall have divided the cost of said building, or site, *or the remodeling, repairing or improving of an existing library building or the erection of an addition thereto* or equipment, or any *or all* of said things; and when collected as last aforesaid, the tax shall cease.

Such board of directors shall have authority to enter into contracts and to take title to any property acquired by it for library purposes by the name and style of "The Board of Library Directors of the (city, village, town or township) of " [S B No 442, 1939]

14 Purchase of building and site; construction, repair or remodeling of building; commencement; investment of funds. The library board shall determine when they will proceed with the purchase of a building and site, or with the remodeling, repairing or improving of an existing library building or the erection of an addition to a library building or the purchase of necessary equipment or any or all of said things, or with the construction of a building or the purchase of a site, or any or all of said things, they may proceed at once or may determine to wait and allow the fund to accumulate. If they shall determine to let the fund accumulate, they shall invest said money in good interest paying securities, such as are authorized by law for the investment of trust funds, there to remain until the same is needed for the purchase of a building and site, or the remodeling, repairing, or improving of an existing library building or the erection of an addition thereto or equipment or any or all of said things, or for the construction of the building, or the purchase of a site, or any or all of said things, under the provisions of this Act. Said board may contract for the purchase of a building or site, or the remodeling, repairing or improving of an existing library building or the erection of an addition thereto or the purchase of equipment or any or all of said things, or for the construction of a building, and may apply the proceeds of said tax as collected, toward payment therefor. [S B No.442, 1939.]

15 Construction, repair or remodeling contracts; how let; security.

When the directors shall determine to commence the construction of the building or the remodeling, repairing or improving of an existing library building or the erection of an addition thereto, or the purchase of the necessary equipment for such library, they may then revise the plan therefor or adopt a new plan and provide estimates of the costs thereof, and shall advertise for bids for the construction of said building, or the remodeling, repairing or improving of an existing library building or the erection of an addition thereto, or the purchase of the necessary equipment for such library, and shall let the contract or contracts for the same to the lowest and best responsible bidder or bidders and may require from such bidders, such security for the performance of the bids as the board shall determine; Provided, the said directors may let the contract or contracts to one or more bidders, as they shall determine. [S B. No.442, 1939.]

Sec. 16. If the Board of Directors think best, in order to provide and secure the necessary money to do any or all of the things they are authorized to do in and by Section 13 hereof, they may with the approval of the city council or board of trustees, at any time borrow money and execute a mortgage on an existing library building and site for amount not exceeding one-half ($\frac{1}{2}$) the value thereof, and the money so obtained shall be used exclusively for the remodeling, repairing or improving of such existing library building or the building of an addition thereto or the purchase of necessary equipment for such library. The proceeds of any special tax levied under section 13 hereof, may be applied in whole or in part in payment of any mortgage indebtedness so incurred. The levy of a tax hereunder for the purpose of meeting such mortgage and interest, or the principal and interest on bonds issued hereunder, or for the accumulation of a fund as hereinabove provided, shall not be included in the aggregate amount of taxes as limited by section one (1) of Article eight (8) of "An Act for the incorporation of cities and villages," approved April 10, 1872, and amendatory Acts thereto, nor shall it affect any appropriation made, or to be made, for the support of the library. This Act shall not apply to any city in this State having over five hundred thousand (500,000) inhabitants.

No city, village or incorporated town is authorized to levy the tax herein provided for, unless it first submits an ordinance authorizing the levy of such tax to the voters of such city, village or incorporated town, as the case may be, at the next succeeding general or special election, or any special election called for that purpose, and such ordinance is approved by a majority of such voters voting upon the question [S B. No 442, 1939]

(2) LIBRARIES IN PUBLIC PARKS

(Smith-Hurd Illinois Anno Stats, ch 81, 1935, p 890-892, s 41-44)

41. **Public library may be located within park; condemnation.** Sec. 1. The corporate authorities of cities and park districts, or any board of park commissioners having the control of supervision of any public park or parks

are hereby authorized to permit any free public library, organized under the terms and provisions of an act entitled, "An Act to encourage and promote the establishment of free public libraries in cities, villages and towns of this State," approved June 17, 1891, in force July 1, 1891, to erect and maintain, at its own expense, its library building within any public park now or hereafter under the control or supervision of such city, park district or board of park commissioners and to contract with any such free public library relative to the erection, maintenance and administration thereof. If any owner or owners of any lands or lots abutting or fronting on any such park, or adjacent thereto, or any other person or persons, have any right, easement, interest or property in such public park appurtenant to their lands or lots, or otherwise, which would be interfered with by the erection and maintenance of any free public library building, as hereinbefore provided, or any right to have such public park, or any part thereof, remain open and vacant and free from any buildings the corporate authorities of the city or park district or any board of park commissioners, having control of such park, may condemn the same in the manner prescribed in an act of the General Assembly entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872, and the amendments thereto [Ill. Rev. Stat., 1939, p 1969]

42. Control and management. Sec. 2. The directors, trustees or managers of any public library which shall erect its library building in or upon any public park, under the terms and provisions as aforesaid, shall, so long as said building is maintained as a free public library, control, direct and manage the affairs of such library, as heretofore, under the terms and provisions of an act entitled, "An Act to encourage and promote the establishment of free public libraries in cities, villages and towns of this State," approved June 17, 1891, in force July 1, 1891, and in all respects the same as though the said building was not erected in or upon a public park [Ill. Rev Stat., 1939, p.1969.]

43. Submitting questions to voters; condemnation; payment for property. Sec. 3. In case the directors, trustees or managers of any free public library, or a majority of them, shall make request in writing, of the corporate authorities of such city, park district or board of park commissioners for permission to erect a free public library building in or upon any public park, under the control, supervision or jurisdiction of such city, park district or board of park commissioners designating the site desired and the general style and approximate cost of such building, it shall be the duty of such authorities to submit the question of granting such request to the legal voters of such city or park district at the next municipal election; and if a majority of the legal voters, voting upon such question at any such election shall favor the granting by said city, park district or board of park commissioners of the aforesaid request, then the said authorities or board of park commissioners shall authorize the erection of said building, as aforesaid,

and if necessary proceed to condemn, as aforesaid, any right, easement or interest, belonging to such abutting property owners, which would be interfered with by the erection of said library building, and such city or park district shall have the power to pay for any right, easement or interest so condemned out of its general revenues. [Ill. Rev. Stat., 1939, p.1969.]

44 Park authorities may permit erection of library buildings; condition.

§ 3 The corporate authorities of any park district whose limits are co-extensive with the limits of any city, village, or incorporated town lying wholly within any congressional township, in which there is or shall be established and maintained, a free public library under the terms and provisions of an act entitled, "An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, and all acts amendatory thereof, the corporate authorities of any such city, village, or incorporated town having the control or supervision of any public park or parks, are hereby authorized to permit the board of library directors having control of such library, to erect and maintain in any public park of such park district, city, village, or incorporated town, a library building which shall be under the exclusive control and supervision of said board of library directors, so long as such building shall be used as a free public library, and to contract with such board of library directors relative to the erection and maintenance and administration thereof. Provided, that any portion of such building less than the whole which shall not from time to time be needed for library purposes, may be rented for public purposes only by said board of library directors to or with the consent of such park district, city, village, or incorporated town.

Provided, however, that before this act shall become effective as to any such park district, city, village, incorporated town or township, it must first be submitted to a vote of the people thereof at a regular election of officers thereof, or at a special election called for such purpose by the corporate authorities of such park district, city, village, incorporated town or township as the case may be. In case of such special election, at least twenty days' notice of the purpose thereof and of the time and place of holding the same shall be given by publication at least once in a newspaper of general circulation published in such park district, city, village, incorporated town or township; or, if none there is published, then in a newspaper of general circulation published in the county or counties in which such park district, city, village, incorporated town or township is located. The votes cast upon the question shall be counted, canvassed and returned as in the case of the election of officers of such park district, city, village, incorporated town or township, as the case may be, and if a majority of the votes cast upon such question shall be in the affirmative, then this act shall be at once applicable and in force as to such park district, city, village, incorporated town or township [Added by act approved May 18, 1917 L 1917, p.564.]

(3) TRANSFER OF OFFICIAL RECORDS AUTHORIZED

(Smith-Hurd Illinois Anno. Stats, ch 128, 1935, p 291, s 19, 20; *Ibid.* 1941 Suppl p 82, s 18)

18. Transfer of records. § 1 The board of supervisors or board of county commissioners, as the case may be, of every county, and the city council or board of trustees of every city, town or village in this State may, by order or resolution authorize and direct to be transferred to the Illinois State Historical Society, the Illinois State Historical Library, *the Archives Division of the Illinois State Library* or to the State University Library at Urbana, Illinois, or to any historical society duly incorporated and located within their respective counties, such official papers, drawings, maps, writings and records of every description as may be deemed of historic interest or value, and as may be in the custody of any officer of such county, city, town or village. Accurate copies of the same when so transferred shall be substituted for the original when in the judgment of such county board, city council or board of trustees the same may be deemed necessary [Ill. Rev. Stat 1939, p 3079]

19 Duty of officers. § 2 It shall be the duty of the officer or officers having the custody of such papers, drawings, maps, writings and records to permit search to be made at all reasonable hours and under their supervision for such as may be deemed of historic interest, and whenever so directed by the board of supervisors or county board, city council or board of trustees of such county, city, town or village in the manner prescribed in the foregoing section to deliver the same to the trustees, directors or librarian or other officer of the library or society designated by said board of supervisors or county board, city council or board of trustees, as the case may be [Ill Rev Stat 1939, p 3079]

20 Appropriations. § 3 The board of supervisors, county board, city council and board of trustees of the several counties, cities, towns and villages in this state shall have the power to make reasonable appropriations from their respective revenues for the purpose of carrying the provisions of this Act into effect [Ill Rev Stat. 1939, p 3079]

(4) HISTORICAL RESEARCH

(Smith-Hurd Illinois Anno Stats, ch 81, 1935, p 907, s 70-71)

70. Counties, cities, etc., may make appropriations for historical research and publications. § 1 The several counties, cities, towns and villages in this state acting through their constituted authorities shall have the power to encourage and promote historical research within their respective jurisdictions by making reasonable appropriations for the publication of the proceedings of and such papers and other documents of historic interest as may be furnished by any historic or other society engaged in historic research, and for ascertaining and marking the location of ancient forts, villages, missions, military encampments, habitations of aborigines and other places

of historic interest, and to provide for the manner in which and the purposes for which such appropriations shall be expended. [Ill. Rev. Stat. 1939, p.1974.]

71. **Printing and sales.** § 2. The authorities of such counties, cities, towns and villages having so undertaken the publication of the proceedings, papers and documents mentioned in the first section of this act shall have power to cause the same to be printed or published in book or pamphlet form and to provide for the sale thereof at such prices as in their judgment will reimburse the cost of publication. [Ill. Rev Stat , 1939, p.1974]

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A. STATE LIBRARY

(1) GENERAL PROVISIONS

(Burns Indiana Stats Anno, 1933, v 11, p 412-416, 418-421, s 63-801 to 63-815, 63-823 to 63-829, 63-831 to 63-834, 63-836, *Ibid* 1941 Suppl p 396, 400, s 63-801 (note), 63-830, 63-849 to 63-851.)

63-801 (13758) **Department created.** There is hereby created and established a department of the state government which shall be known as the Indiana Library and Historical Department [Acts 1925, ch 58, s 1, p.190]

Note.—The State Administrative Act of 1941 repealed the State Executive-Administrative Act of 1933 and placed supervision, control and appointment of the Indiana library and historical department, including the state library and historical bureau, in the department of state s.60-135, 60-139

63-802 (13759). **Board; members, appointment, terms.** The management and control of the Indiana library and historical department is hereby vested in a board which shall be known as the Indiana Library and Historical Board, and which shall consist of five (5) members, who shall be appointed by the governor, as hereinafter provided. In the first instance, one of such members shall be appointed for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3)

years, and two (2) members for a term of four (4) years. Thereafter all members shall be appointed for terms of four (4) years. No person shall be appointed as a member of the Indiana Library and Historical Board unless he is a citizen of high standing and probity and has a known and active interest in library or historical work. One (1) member of the library and historical board shall be appointed on recommendation of the state board of education, one (1) member shall be appointed on recommendation of the Indiana library trustees association, one (1) member shall be appointed on recommendation of the Indiana Historical Society, and one (1) member shall be selected and appointed by the governor. The members of the board shall serve without compensation, but shall be entitled to receive their actual expenses necessarily incurred in attending the meetings and transacting the business of the board. Any vacancy which may occur in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term, either on recommendation of the board, association or society hereinbefore authorized to make recommendations, or by selection by the governor, as hereinbefore provided. No member of the board shall be in any way connected with the business of publishing and selling books. [Acts 1925, ch 58, s 2, p.190]

63-803 (13760). **Divisions of department.** The Indiana library and historical department shall consist of three (3) divisions, the library, the historical bureau, and the legislative bureau, which shall have charge respectively of the state library service, the state historical service and the state legislative service. [Acts 1925, ch 58, s 3, p 190]

63-804 (13761). **State library; legislative bureau; historical bureau.** The collection of books, documents, records, papers, facilities, equipment and other property now known as and constituting the state library, and the public library commission, respectively, together with any additions thereto or expansion thereof, shall constitute the state library, the collection of books, documents, records, papers, facilities, equipment and other property now known as and constituting the legislative reference bureau shall constitute the legislative bureau; and the records, papers, facilities, equipment and other property now known as and constituting the historical commission shall constitute the historical bureau of the Indiana library and historical department as established by this act. [Acts 1925, ch 58, s 4, p 190]

63-805 (13762). **Board; rules and regulations.** Subject to the provisions of this act, the library and historical board shall formulate rules and regulations for the care, management and expansion of the library and historical department so that the department and its several divisions may at all times be operated according to the most approved standards of library and historical service. [Acts 1925, ch 58, s.5, p.190]

63-806 (13763). **Library; powers and duties.** In addition to its duties as a general library for the State of Indiana, the library shall have the following powers and perform the following duties:

- (a) To care for and have the custody of any and all official archives which may come into the possession of the state; to collect materials bearing upon the history of the state and of the territory included therein; and to diffuse knowledge in reference to the history of the state, and to encourage historical work and research.
 - (b) To examine and classify documents and records not of present day use to their respective departments.
 - (c) To prepare lists of books suitable for public and school libraries, together with the prices of such books. The lists so prepared shall be furnished on request and free of charge to any library or school official or employee.
 - (d) To furnish information or advice relative to the organization, maintenance or administration of any public or school library in the state.
 - (e) To provide courses of library instruction, of such character as the board may determine.
 - (f) To print lists and circulars of information, and to perform such other services in behalf of the public, institutional and school libraries of the state as may be considered proper and for the best interests of the people, the schools and institutions of the state
 - (g) The library shall annually collect statistics of all libraries of the state of such character and in such form and manner as the board may direct
 - (h) The librarian or trustees of any free public library or of any school corporation may apply to the board for advice and assistance as to any matter pertaining to the organization, maintenance or administration of the library under his or their control and the board shall give such advice and personal attention as may be necessary.
- [Acts 1925, ch 58, s 6, p 190]

63-807 (13764) Reports, documents and bulletins; court reports; session laws. The board of public printing shall deliver to the library three hundred copies of each and every report, document, bulletin or other publication published at the expense of the state, except session laws of the general assembly, supreme and appellate court reports, the publications of the historical bureau, the year book and the journals of the house and senate. The secretary of state shall also deliver two copies of each volume of the reports of the supreme and appellate courts to the library and historical department and shall supply to the legislative bureau such number of the session laws of the general assembly as may be needed by the bureau either to supply its own needs or to exchange for the session laws of other states. [Acts 1925, ch 58, s 7, p 190.]

63-808 (13765) Distribution of documents. The library and historical department shall retain copies of all such reports, documents, bulletins or other publications as may be necessary for the use of the library and histor-

ical department, or any of its divisions, and the copies remaining shall be distributed and exchanged in such manner as may be prescribed by the board. [Acts 1925, ch 58, s.8, p.190.]

63-809 (13766). **Exchange and sale of duplicate volumes; funds.** The library and historical department may exchange or sell any duplicate volumes or pamphlets not needed by the department or any of its divisions. All money received from the sale of any such duplicates or for any books or documents which have been lost or mutilated shall be covered into the state treasury and shall be credited to the account of the department and shall be used for the purchase of other books needed by the department. [Acts 1925, ch.58, s.9, p.190.]

63-810 (13767) **Books; loaning; fines.** Except as hereinafter provided, any book, or collection of books, belonging to the library collection may be loaned to any citizen or to any library association of the state under such guarantees and subject to such charges for transportation as the board may prescribe. Reference books and books which cannot be replaced readily in case of loss, shall not be removed from or loaned outside of the library except to state officials and to such officials only in pursuit of their official duties. The board is hereby authorized to impose fines on borrowers for violation of the rules of the board and all funds accruing from such fines shall be disposed of as money received from sales of books as provided for in section 9 of this act [Acts 1925, ch 58, s.10, p 190]

63-811 (13768) **Library associations; traveling libraries.** Any five or more citizens may organize a library association, which, on furnishing security satisfactory to the library and historical board, shall be entitled to the use of any traveling libraries which the board may establish, under such rules and regulations as the board may prescribe, and without any charge other than the transportation of such libraries. Any local library, literary or other club, agricultural or other society, grange, college, seminary, university extension center, study circle or other association shall be entitled to the use of such traveling libraries, upon furnishing satisfactory security and complying with the rules and regulations of the board as hereinbefore provided. [Acts 1925, ch.58, s 11, p 190]

63-812 (13769). **Historical bureau; powers and duties.** It shall be the duty of the historical bureau to edit and publish documentary and other material relating to the history of the State of Indiana, and to promote the study of Indiana history in co-operation with the Indiana historical society and any other like organization, and to promote the development of the state historical museum and the collection of archeological material. [Acts 1925, ch.58, s 12, p.190]

63-813 (13770) **Publications of historical bureau; printing; payment of cost.** All expenses incurred in the preparation, compilation, printing, binding and publication of the volumes of source and other historical material issued by the historical bureau shall be defrayed out of any funds at the

disposal of the bureau which may be appropriated by law for that purpose, and shall be printed by the board of public printing, and under the terms of any contract which the state may have executed and entered into for public printing, and under the direction and supervision of the historical bureau [Acts 1925, ch.58, s.13, p.190.]

63-814 (13771). **Publications; distribution and sale; funds.** One copy of each publication so issued shall be furnished to each public library in the state, and the board may furnish copies free of charge to such other persons, institutions or departments as in its judgment may be entitled thereto. The copies so remaining shall be sold by the bureau at a price which shall be fixed by the board. All money accruing from the sale of any such publications, after deducting the cost of distribution and sale, shall be covered into the state treasury, and shall be credited to the library and historical board, and is hereby appropriated to such board to be used for future publications by the historical bureau. [Acts 1925, ch 58, s.14, p.190]

63-815 (13772). **Advisory historical committee; duties.** On recommendation of the proper executive officers of the Indiana historical society, the board may appoint an advisory committee of not to exceed nine members, who shall consult and advise with the director of the historical bureau concerning the publication of historical material, the promotion of the interest of the historical societies of Indiana, and in the conduct of the historical work of the state generally. The committee so appointed shall serve without compensation. [Acts 1925, ch 58, s 15, p 190]

63-823 (13780). **Directors and assistants; qualifications; terms; secretary.** The library and historical board shall appoint a director of the library, a director of the historical bureau, a director of the legislative bureau and such assistants as may be necessary to carry on the work of the department. Each of the three (3) directors so appointed shall be a graduate of a college or university of recognized standing, and, in addition thereto, the director of the library shall have had special training in the technique and organization of library service; the director of the historical bureau shall have had special training in the nature, relative value and use of historical source material and in the editing of historical publications, the director of the legislative bureau shall have had special training in constitutional and public law, statutory bill drafting, the principles of government, political science and economics and shall be familiar with legislative reference work and the collection, compilation and interpretation of statistics. The directors shall likewise possess such other qualifications as the board, in its discretion, may deem necessary to qualify such person for the position to which he shall have been appointed. Each director so appointed shall serve at the pleasure of the board. The board may designate one of the directors so appointed as the executive secretary of the board, whose duties, as secretary, shall be prescribed by the board. [Acts 1925, ch.58, s 23, p 190.]

63-824 (13781). **Assistants; appointment and qualifications; profes-**

sional conduct of staff. The assistants in the library shall be appointed by the director of the library, with the approval and consent of the library and historical board; the assistants in the historical bureau shall be appointed by the director of the historical bureau, with the approval and consent of the board; and the assistants in the legislative bureau shall be appointed by the director of the legislative bureau with the approval and consent of the board. Any or all of the assistants so appointed shall have had such academic preparation and special training for the work which they may be required to perform as may be prescribed in rules which shall be adopted by the board. In addition thereto, the board may provide that appointments shall be made only after the applicant shall have successfully passed an examination to be given by the board or some person to be designated by them. For the purpose of securing and maintaining the professional standing and conduct of the staff of the library and historical department and to safeguard the service from the disadvantage which would result from the political activity of any member or members of the staff, or from interference with the service of the department by persons not members of the staff, it is hereby provided that all prohibitions imposed on the officers and employees of the benevolent, reformatory and penal institutions by section six [s 22-104] of chapter 98 of the acts of 1907, relative to political activities, are hereby imposed on all persons who may be appointed by the library and historical board to any position on the staff of the department and the penalties of the above recited act of 1907 shall be construed to apply to any such member of the staff of the department and to any person not a member who violates its provisions [Acts 1925, ch 58, s 24, p 190.]

63-825 (13782) Compensation and removal of directors and assistants. The compensation of each of the directors shall be fixed by the board and the compensation of the assistants shall be fixed by each director, respectively, with the approval of the board. Any of the directors may be removed by the board at any time for cause, and any of the assistants may be removed for cause at any time by the respective directors with the approval of the board [Acts 1925, ch 58, s 25, p.190]

63-826 (13783) Organization of department and divisions. Each of the divisions of the department shall be organized in such manner as the board may prescribe and the duties of each subordinate division shall be determined by the board. In perfecting the internal organization of the department, the board may so apportion the duties of the department and of the several divisions thereof that like services in the various divisions may be performed by the same employee or employees for the entire department. [Acts 1925, ch 58, s 26, p 190]

63-827 (13784) Digests, reports, and bulletins; payment of cost. The department, or any division thereof, may compile and publish digests, reports and bulletins of purely informational or statistical character on any question which the board may deem to be of interest or value to the people

of the state. Any expenses which may be incurred in the publication of any such digest, report or bulletin shall be defrayed out of the funds which may be appropriated for the use of the department or any division thereof, except that the expense incurred by the legislative bureau in the publication of any such digest, report or bulletin may, with the approval of the governor, be paid for out of the year book fund [Acts 1925, ch 58, s.27, p 190.]

63-828 (13785) **Statistics; duties of local officials; penalty.** It shall be the duty of every state, county, township, city, town, judicial or other public officer of this state and of each and every officer or person having in his charge or custody or capable of supplying, or required to collect, and compile the information which may be required by the library and historical department or by any division thereof, for any of the purposes contemplated in this act, or by any other provision of law, to supply such information promptly at the request of the department or of any division thereof, whether such request be oral or by letter or circular or by the filling out of blank forms provided for that purpose by the department or by any division thereof. Any such person or officer who shall fail or refuse to furnish any such information so requested within thirty (30) days after the making of such request shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars (\$25) and not more than two hundred dollars (\$200). [Acts 1925, ch 58, s 28, p 190]

63-829 (13786) **Cooperation with educational institutions.** The department or any of its divisions may co-operate with any of the educational institutions of the state in any manner and to any extent which may be approved by the board [Acts 1925, ch 58, s 29, p 190]

63-830 (13787) **Official records; delivery to library and historical department; photographs.**

- (a) Any state, county or other official is hereby authorized and empowered, at his discretion, to turn over to the department for permanent preservation, any official books, records, documents, original papers, newspaper files or printed books or materials not in current use in his office
- (b) The director of the state library is hereby authorized, at his discretion, to make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office, for preservation in the state archives. County, city and other officials shall permit such copies to be made of the books, records, documents and papers in their respective offices [Acts 1925, ch 58, s 30, p 190; 1937, 172, s 1, p.878.]

63-831 (13788) **Loss or injury to books.** Any person injuring or losing a book, or document belonging to the department shall be liable for three-fold damages, and if the book injured or lost be one (1) volume of a set he

shall be liable for the whole set, but on paying for the same, he may take the broken set. [Acts 1925, ch.58, s 31, p.190.]

63-833 (13790). Board; meeting and organization. As soon as practicable after the members of the board are appointed, they shall meet, upon the call of the governor, and shall organize by the election of a president, a vice-president and a secretary from among their number, who shall serve for terms of one (1) year. [Acts 1925, ch. 58, s.33, p.190.]

63-834 (13791). Appropriations available for department. Upon the taking effect of this act, all appropriations available for the legislative reference bureau shall be available for the legislative bureau, as created by this act; all appropriations available for the historical commission shall be available for the historical bureau as created by this act, and all appropriations available for the library and the public library commission shall be consolidated and used for the state library as created by this act. [Acts 1925, ch.58, s.34, p.190.]

63-836 (13792 18). State library building; custody, management, and control after dedication; board of public buildings and property; disposition of unexpended balances. When the state library and historical building shall have been finally completed and when any dedication ceremonies which may be arranged for in connection therewith shall have been concluded, the custody, management and maintenance of such state library and historical building shall be turned over to and shall be vested in the board of public buildings and property, and the board of public buildings and property shall thereafter have the custody, management and maintenance of such state library and historical building in the same manner and subject to the laws of this state governing the custody, management and maintenance of the state-house, and the state library building commission shall be thereupon ipso facto dissolved. If, upon the dissolution of the state library building commission, as hereinbefore provided, there is an unexpended balance in the state library and historical building fund, or if any money shall thereafter accrue to such fund from delinquent taxes or from any other source, any and all money which is in or which may at any time accrue to such fund shall be expended by the state library and historical board for any of the purposes for which the state library building commission might have expended such funds if it had not been dissolved [Acts 1929, ch 66, s.18, p 210; 1933, ch 108, s.1, p 697]

63-849 Acceptance of gifts. Express power and authority is hereby given to the Indiana library and historical board to accept gifts, bequests and devises of personal and real property for the maintenance, use or benefit of the Indiana library and historical department. [Acts 1939, ch.116, s.1, p.566.]

63-850, Terms of acceptance. Said Indiana library and historical board may accept such gifts, bequests and devises as provided in Section 1 [s.63-849] hereof, with such terms and conditions and with such obligations, lia-

bilities and burdens as are imposed thereon when in the judgment of said board and with the approval of the governor it shall be determined that it is for the best interest of said department to do so: Provided, however, That no obligation, liability, or burden shall be assumed on account thereof in excess of appropriations made by law and applicable to the payment of such obligations, liabilities and burdens. [Acts 1939 ch.116, s.2, p.566.]

63-851. **Powers of board.** Any law to the contrary notwithstanding, any gift, bequest or devise received by said Indiana library and historical board, shall not be required to be covered into the general fund, but shall be administered by said board according to the terms of said gift, bequest or devise [Acts 1939, ch.116, s 3, p 566]

(2) STATE LAW LIBRARY

(Burns Indiana Stats Anno, 1933, v 2, p 937, s 4-231, *Ibid* v 11, p 420, s 63-832)

4-231 (1373). **Rooms; furnishing; law library.** The custodian of public buildings and property shall provide rooms for the use of said judges and said court in Indianapolis, and said court shall have power to provide the necessary furniture for the same and stationery and things proper for the transaction of its business, at the expense of the state, and to make allowances therefor, to be audited and paid out of the state treasury upon presentation of the order of allowance, and shall have access to and use the law library of the Supreme Court equally with the judges of the Supreme Court. [Acts 1891, ch 37, s 11, p 39]

63-832 (13789) **Law library; appointment of director as librarian.** The Supreme Court is hereby authorized to appoint the director of the library as the law librarian, and if such appointment be made, the director shall, subject to the orders of the Supreme Court, have the general control and management of the law library, and all appropriations which may be available at any time for personal service for the law librarian and any of his assistants may be used in employing assistants to the director in conducting and operating the law library [Acts 1925, ch.58, s 32, p.190.]

(3) LEGISLATIVE REFERENCE LIBRARY

(1941 Suppl Burns Indiana Stats Anno, 1933, v.11, p.398, s 63-842; see also p 397-400, s 63-837 to 63-848)

63-842. **Duties of legislative bureau.**

- (a) The legislative bureau shall maintain a special legislative reference library, keep and file copies of all bills, resolutions, amendments, memorials, reports of committees, journals, and other documents furnished said bureau; * * * [Acts 1939, ch.92, s.6, p.496.]

B. CERTIFICATION OF LIBRARIANS

(1941 Suppl Burns Indiana Stats Anno, 1933, v8, p.115 to 118, s 41-801 to 41-812)

41-801 **Indiana Library Certification Board; created; personnel.** A

board is hereby created which shall be known as the Library Certification Board, which shall consist of the director of the State Library and of two additional members, who shall be appointed by the governor, as hereinafter provided. One of the two appointive members of the board shall be appointed on recommendation of the Indiana Library Association, and one member shall be appointed on recommendation of the Indiana Library Trustees' Association. In the first instance, one member shall be appointed for a term of two years, and one member shall be appointed for a term of four years, and until their successors shall have been appointed and qualified. Thereafter all appointive members shall be appointed for terms of four years and until their successors shall have been appointed and qualified. No person shall be appointed as a member of the Library Certification Board unless he is engaged in library work as a librarian or as a library trustee at the time of his appointment. Except as hereinafter otherwise provided, no librarian shall be appointed as a member of the Library Certification Board unless he holds a certificate as provided in this act, but this provision shall not apply to the persons who are first appointed as members of the board. The governor may, at any time, remove any member of the board for misconduct, incapacity, or neglect of duty. Any vacancy which may occur in either of the appointive memberships of the board shall be filled by appointment by the governor for the unexpired term, either on recommendation of the board or association hereinbefore authorized to make recommendations, or by selection by the governor, as hereinbefore provided. The members of the board shall serve without compensation, but shall be entitled to receive their actual expenses necessarily incurred in attending the meetings and transacting the business of the board. The director of the State Library shall be the executive secretary of the board and shall have the custody of the records, papers and effects of the board. The board shall organize by the election of one of its members as president, who shall serve for a term of one year. Two members of the board shall constitute a quorum for the transaction of business. The board shall hold at least one regular meeting each year, and such special meetings as may be determined by the board. [Acts 1941, ch 195, s 1, p 591]

41-802 Duties. The Library Certification Board is hereby authorized and required:

(1) To prescribe and define grades of public library service and to prescribe the qualifications which persons shall possess who are employed in each of such grades of public library service, giving due consideration to the population served, the income and the salary schedule of each library.

(2) To make available the requirements for certification of all grades upon request and without charge to all prospective applicants.

(3) To examine candidates who apply for certificates qualifying them to secure employment in any designated grade or grades of public library service, and to issue certificates to such candidates as are found to be competent.

and who are eligible to apply for such examination ;

(4) To issue certificates, without examination, to candidates who apply therefor, and who, by reason of their academic or technical training, and/or experience are found to be fit and suitable persons to certify ;

(5) To prescribe and define what shall constitute a head librarian, and a head of any department or branch or professional assistant of a public library, for the purposes of this act ; and

(6) To adopt and promulgate such rules and regulations as the board may deem necessary and proper to carry out and administer the provisions of this act [*Ibid* s 2]

41-803 Appointment of librarians. On and after the first day of January, 1942, and except as hereinafter otherwise provided, it shall be unlawful for the board of trustees, school board or any other governing body having the lawful charge of any public library, or any other library, supported in whole or in part by public funds, except school libraries and the libraries of educational institutions, to appoint as the head librarian, or as the head of any department or branch, or as professional assistant of any such library, any person who does not hold a certificate of a suitable and requisite grade, granted in accordance with the provisions of this act, and the rules and regulations of the Library Certification Board issued thereunder. [*Ibid* s.3]

41-804 Applications to Board. Any person who desires to be certified as a librarian in any designated division, grade, or type of public library service, and who possesses the qualifications which are prescribed in the rules and regulations of the Library Certification Board as essential to enable such person to apply for an examination, shall apply to the board to be examined for a certificate in any grade or grades of public library service. The application shall be made on a blank form which shall be prescribed and furnished by the Library Certification Board, shall be accompanied by a fee of not more than ten nor less than two dollars, which shall be prescribed by the board, and, if found to be satisfactory, shall entitle such applicant to take the examination applied for in such application at a point within his own congressional district [*Ibid*. s.4.]

41-805 Licensing of applicants. If, upon such examination, an applicant is found to be competent, he shall be granted a certificate of the suitable grade and class, which shall entitle such licensee to be appointed to and to hold in any public library contemplated in this act, any position, of the grade or class prescribed in such certificate [*Ibid* s 5]

41-806 Licensing without examination. The Library Certification Board may, by proper rules and regulations, provide for the issuance of certificates of any grade or class, without examination, to applicants who possess the requisite academic and professional training, experience and other qualifications necessary to satisfy the minimum qualifications prescribed in such rules and regulations for any such class or grade of public library service. [*Ibid*. s.6.]

41-807. Fee for license without examination. Any person who desires to be certified as a librarian in any designated division, grade, or type of public library service, without examination, and who possesses the qualifications which are prescribed in the rules and regulations of the Library Certification Board as essential to enable such person to apply for a certificate, without examination, may apply to the board for a certificate in any grade or grades of public library service. The application shall be made on a blank form which shall be prescribed and supplied by the Library Certification Board, shall be accompanied by a fee of two dollars, and, if found to be satisfactory, shall entitle such applicant to a certificate in the grade or grades of public library service so applied for [*Ibid.* s 7.]

41-808. Who may apply. Any person who is actively engaged or who expects to engage actively in any grade or class of public library service, and who is not a head librarian or the head of any department or branch of any public library, may apply for a certificate of any grade or class, either with or without an examination, and if found to be competent and qualified shall be granted the certificate so applied for, in the manner, and upon the payment of the same fees as hereinbefore provided for in this act [*Ibid.* s 8.]

41-809. "Private library" defined. Any person who is actively engaged or who expects to engage actively in any grade or class of private library service, or in the library service of any school or other educational institution, and whether such person is or expects to be a head librarian, or the head of any department or branch of any private library, or of the library of any school or other educational institution, or not, may apply for a certificate of any grade or class, either with or without an examination, and if found to be competent and qualified, shall be granted the certificate so applied for in the same manner and subject to the same conditions as are hereinbefore provided for the certification of librarians in public libraries. The term "private library" as used in this act shall be construed to mean any library which is not supported by public funds. [*Ibid.* s 9]

41-810 Rules of board. The Library Certification Board is hereby authorized to adopt such rules and regulations as may be necessary for the reciprocal recognition of certificates for librarians issued by other states whose qualifications for library service are at least as high as the qualifications in this state, and to prevent unjust and arbitrary exclusions by other states of certified librarians who have complied with the requirements of the laws of this state. In order to effect this, the board shall give consideration to the recommendations of the American Library Association. [*Ibid.* s.10.]

41-811. Life certificates. Any person, who, when this act takes effect, is serving or is on leave of absence from his position, as head librarian, head of a department or professional assistant in any public library in the State of Indiana shall upon application and payment of the prescribed fee be awarded a life certificate of the grade issued for comparable positions

throughout the state, which certificate shall have equal value for all purposes with any other certificate for that grade which the Indiana Library Certification Board shall issue based upon examination, academic education, technical training, experience or any combination of these items [*Ibid.* s.11]

41-812. **Disposal of fees collected.** All fees collected under the provisions of this act shall be covered into the state treasury and shall constitute a separate and distinct account of the general fund, which shall be known as the library certification account, and which shall be used to defray expenses incurred in the administration of this act. The balance in such account at the end of any fiscal year shall not revert to the general fund but shall be carried forward and be available for the fiscal year next succeeding. [*Ibid.* s.12.]

C. COUNTY LIBRARIES

(Burns Indiana Stats, 1933, [1940 Replacement Vol 8], p 465-473 s 41-501 to 41-519)

41-501 (9693). **Establishment.** To establish and maintain a public library in each of the several counties, for the use of the inhabitants thereof, there shall be reserved ten (10) per cent of the net proceeds of the sale of all lots within the town where the county seat is situate, sold as the property of such county, and ten (10) per cent upon all donations made to procure the location of such county seat; and the county commissioners shall make the necessary order for the collection and payment of the same. [1 R S. 1852, ch 63, s.1, p.353]

41-502 (9694) **Annual appropriations.** The board of commissioners doing county business may, at their June session in each year, appropriate a sum not less than twenty (\$20 00) nor more than seventy-five dollars (\$75 00) for the purchase of books, maps and charts for such library, and the same shall be paid to the treasurer of the library, by the treasurer of the county, upon the certificate of the auditor thereof [1 R.S 1852, ch.63, s.2, p 353.]

41-503 (9695). **Trustees; duties.** The clerk, auditor, and recorder shall have the charge of such library, and are hereby constituted trustees for that purpose. They shall elect one of their number treasurer, and a suitable person librarian, and shall prepare a proper room, with the necessary shelves, and cases, within some county office or building, when practicable, to place and safely keep such library. They shall cause all monies appropriated or belonging to the library to be expended in the purchase of books, charts and maps, and report to the board of county commissioners in June annually, the kind and number of books purchased, with the cost thereof Each of said officers shall be liable on his official bond for the performance of duties herein required of him. [1 R.S. 1852, ch 63, s 3, p.353]

41-504 (9696). **Who may use books.** Every inhabitant of the county giving satisfactory evidence or security for the safe keeping and return of

books shall be entitled to take and use the same, upon the proper application to the librarian. But no one (1) person shall, at the same time, have more than two (2) volumes of books, nor for a longer period than forty (40) days without returning such books to the library [1 R.S. 1852, ch.63, s 4. p.353.]

41-505 (9697) **By-laws; fines.** The trustees shall establish by-laws and rules for the regulation of such library, and the same shall be placed at a conspicuous point in the library-room, for the inspection of visitors. All fines or forfeitures accruing from the violation of such by-laws shall be recoverable in an action before any court of competent jurisdiction, in the name of the State of Indiana, for the use of such library, and the librarian shall be a competent witness in such action, and the entries made upon his books, in relation to such library, shall be *prima facie* evidence of the things therein charged [1 R S 1852, ch 63, s 5, p 353]

41-506 (9698) **Duties of librarian.** The librarian shall make an entry, in a proper book, of each book or map taken, the time thereof, by whom, and when returned. He shall also keep a registry of the fines and penalties assessed, and collect the same by suit or otherwise. At the June session of the board of county commissioners in each year, he shall report the condition of such library, the books added or lost within the preceding year, and the value of the same [1 R S 1852, ch 63, s 6, p 353]

41-507 (9699). **Loan of money.** Any county library that may have been organized under special laws in this state, and yet maintains its organization, and shall have a portion of its funds reserved for replenishing the library from time to time, may loan said surplus fund for any term not exceeding five (5) years, with interest payable annually in advance, at the rate of seven (7) per cent per annum. [Acts 1861, ch 71, s 1, p 142.]

41-508 (9700) **Loans; how made.** Such loans shall be made in the same manner, and, in all respects that may be practicable, under the same regulations as the common school funds are now by law managed. The borrower shall be subject to the same liabilities, and the collection thereof enforced in the same manner, as said school funds [Acts 1861, ch 71, s 2, p 142.]

41-509 (9701). **Loans; duties of treasurer.** The treasurer of such library shall, in loaning and collecting the funds of the library, perform the same duties and incur the same liabilities as the county auditor does by existing laws in regard to the same duties in behalf of the school fund, but such treasurer shall be governed by the order of the board of trustees, and be accountable thereto. [Acts 1861, ch 71, s 3, p.142.]

41-510 (9702) **Free county library; establishment; tax levy remonstrance; library board; appointment.** The board of county commissioners of any county in which there is no free public tax supported library in any city or town may establish a county public library open and free to all the inhabitants of the county and levy a tax of not less than one tenth of a mill

(\$.0001) nor more than one mill (\$.001) on the dollar on all taxable property assessed for taxation in such county, and on written petition of twenty-five (25) or more resident freeholders of each township in the county not already taxed for library purposes shall establish such library and levy such tax, unless a remonstrance against the same signed by as many or more resident freeholders of each such townships as have signed said petition shall likewise be presented as hereinafter provided. Such petition shall be filed with the clerk of the circuit court and an attested copy of such petition shall be filed with the board of county commissioners. Thereupon notice of the filing shall be published by the auditor in two (2) newspapers published in said county, one (1) of which shall be published in the city or town wherein said library is petitioned for if any such newspaper there be, within ten days after such petition has been filed. Any resident freeholder or freeholders may present and file with the auditor of said county a remonstrance or remonstrances stating that he or they are opposed to levying a tax and making an annual appropriation for said purpose of a public library. At the first meeting of the board of county commissioners and not less than ten (10) days after such publication, the board of commissioners shall consider the said petition and such remonstrances and determine whether or not resident freeholders of each township therein not already taxed for public purposes have signed and presented remonstrances equal to the number of such resident freeholders who signed and presented the petition for the same. And if they shall find that as many or more such resident freeholders have signed and filed remonstrances against the proposed public library as had signed and filed such petition then the proposed establishing of such county library shall be defeated and the board of commissioners shall take no further action in the matter. But if they shall find that the number of persons who signed and filed such petition was greater than the number of persons who signed and filed a remonstrance or remonstrances against the same then such board of commissioners shall establish a county public library in such city or town petitioned for, open and free to all the inhabitants of the county, and levy a tax of not less than one-tenth of a mill (\$.0001) nor more than one mill (\$.001) on the dollar on all taxable property assessed for taxation in such county, and the auditor shall file a certified copy of the order levying such tax with clerk of the circuit court. Within five (5) days after a tax for such library has been levied in such county, or such petition has been filed, the clerk of the circuit court of such county shall notify the judge of the circuit court, the county superintendent of schools and the board of county commissioners of such action. Within ten (10) days after these notices have been sent to such officials, the county commissioners shall appoint three (3) members, one (1) of whom shall be a woman, to the county public library board, the county superintendent of schools shall appoint three (3) members, one (1) of whom shall be a woman, and the judge of the circuit court shall appoint three (3) members, one (1) of whom

shall be a woman Of the appointment made by each official, one (1) shall be for a term of one (1) year, one (1) for two (2) years, and one (1) for three years (3) years. Not more than four (4) of the appointees shall reside in any one township. The terms of office of all persons first appointed under this act shall continue until January 15th following the date of their expiration as provided in this act and thereafter all appointments shall take effect on January 15th and shall be made for a term of three (3) years. All members of such public library board appointed as herein provided shall serve until their successors are appointed and qualified. The appointing officer or officers in making the appointments shall select persons of well known probity, integrity, business ability and experience and who are fitted for the character of the work they are to perform, and who shall have resided for a period of not less than one (1) year immediately preceding their appointment, in the county for which they are appointed, and who shall not be less than twenty-five (25) years of age at the time of the appointment, and who shall serve without compensation for service In case of vacancy on such board from any cause it shall be the duty of the officer or board making such appointment to fill such vacancy occurring in the membership appointed by each respectively. [Acts 1939, ch 124, s 1, p 642]

41-511 (9703). **Board members; certificate; oath.** All appointments to membership on the county library board shall be evidenced by certificates of appointment, duly signed by the officer or the clerk or secretary of the board making the appointment, and delivered to the appointee. Within ten days after receiving such certificate, such appointee shall qualify by taking an oath before some officer authorized to administer oaths that such appointee will faithfully discharge the duties as a member of the public library board to the best of his ability; and he shall file such certificate, with the oath indorsed thereon, with the clerk of the circuit court of the county in which such library is to be established Such clerk shall thereupon make a record of such appointment and the term thereof. [Acts 1917, ch.45, s 2, p.110]

41-512 (9704). **Organization; powers; duties; funds.** The members appointed as in this act provided shall constitute and be known as the county library board. They shall meet within ten days of their appointment and shall organize by electing a president, a vice-president and a secretary. They shall have control and disbursement of the public funds for the use of the library from whatever source derived, and the custody and control of all the books and other property of every name and description, and shall have the power to purchase books, pamphlets, periodicals and other material, and all necessary equipment, furniture and supplies, and direct all the affairs of such county public library; and such library board, in the name of the library, shall be empowered to receive donations, bequests and legacies, and to purchase, receive, sell and convey real estate and personal property for and on behalf of such library. They shall have the power to

make and enforce rules for the management of such libraries as they may deem necessary, employ librarians, assistants, janitors and other employees, require official bonds, establish branches and deposit stations, issue or sell certificates or library cards to non-residents, pay the expenses of delegates to library meetings, and do all things necessary to promote the interests of the library. All county library money shall be held by the county treasurer and kept as a separate fund and deposited in the public depositories and all interest accruing thereon shall be credited to the library fund: Provided, That the library board may invest any gift, bequest, or devise in interest-bearing securities. Such treasurer shall pay out library funds for library purposes only upon the warrant of the president of the library board, countersigned by the secretary thereof, and the president and secretary shall issue such warrant only upon itemized voucher, which shall be accompanied by itemized bills, and which shall be certified as to correctness by the chairman of the finance committee of the library board and signed and sworn to by the librarian. The oath required may be administered by the secretary of the board and shall be administered without charge. The treasurer of such county shall be liable on his official bond for the faithful performance of the duties imposed upon him by this act. In any county in which there now exists a county library fund, such fund shall become available for library purposes as soon as the county library board is organized as above required. [Acts 1917, ch 45, s.3, p 110.]

41-513 (9705). **City library; county aid.** Whenever the library board of any public library established in any city or incorporated town in this state shall file notice with the board of county commissioners of any county of consent of such library board to make such library open and free to all the people of said county not already having free library privileges on the condition of the said county contributing to the support of such public library, such board of commissioners may and upon petition of twenty-five or more resident freeholders of each township in the county, not already taxed for public library purposes, shall make an annual appropriation and levy a tax of not less than one-tenth of a mill (\$.0001) and not more than one mill (\$.001) on each dollar of taxable property in the said county, including the property of any city or incorporated town in the county not already taxed for public library purposes, unless a remonstrance or remonstrance against the same signed by as many resident freeholders of each such township in the county as have signed the petition shall be filed with the county auditor as hereinafter stated. Upon the filing of any such petition of twenty-five (25) or more resident freeholders of each such township in the county, the county auditor shall cause notice of that fact to be published in two (2) newspapers of general circulation in the county, one (1) of which is published in such town or city wherein the library is located, if any there be. And within ten (10) days after such publication any and every resident freeholder or group of resident freeholders shall have the right to sign and file with the county auditor their remonstrance or remonstrances

against giving such aid, stating herein that he or they are opposed to levying a tax and making an annual appropriation for said purposes of a public library. At the first meeting of the board of county commissioners and not less than ten (10) days after such publication, the board of commissioners shall proceed to consider and determine the matters thus presented as provided in Section 1 (41-510) of this act. And if said board shall determine that a greater number of resident freeholders have signed the petition than the number who have signed a remonstrance or remonstrances against the levy of such tax and the making of such annual appropriation they shall thereupon make an annual appropriation and levy a tax as above provided and the county treasurer shall collect and pay the same to such treasurer of city or town where such library is located to be held a part of the library fund and to be paid out in the same manner as other library funds. But if the board of county commissioners shall not so find then the petition or petitions shall be dismissed and the board shall take no further action. Said tax if imposed shall be continued so long as ten per cent (10%) of the inhabitants of said county outside the limits of said city or town are found to be users of said library, or when less than ten per cent (10%) of the inhabitants shall use the said library, the board of county commissioners may, at its discretion, continue the tax herein specified [Acts 1939, ch 124, s 2, p 642]

41-514 (9706) City library board; members appointed by county commissioners; number. If the board of county commissioners shall levy a tax for library purposes as provided in 4 section (41-514) of this act, then such county commissioners shall within ten (10) days appoint two (2) persons, one (1) of whom shall be a woman, residing in some part of said county which is contributing a tax for the support of a county library, outside the limits of the city or town in which such library is located, not otherwise appointed, as members of said public library board, who with the members of such city or town public library board, shall constitute a public library board for the county from which they are appointed, and such appointment shall be for a period of two (2) years, and county superintendent of schools likewise shall appoint two (2) such members with qualifications as above provided for a period of one (1) year and three (3) years respectively. After the first appointment all appointments shall be made for a term of two (2) years. The members so appointed shall have the same qualifications and equal authority with other members of the public library board in levying and expending of county taxes and in the maintaining of library service to the inhabitants of the county from which they were appointed [Acts 1939, ch 124, s 3, p 642]

41-515 (9707) Tax levy. It shall be the duty of the county library board, as organized under any section of this act, to determine annually the rate of taxation that shall be necessary to establish, increase, equip and maintain the public library, and certify the same to the board of county

commissioners, and to the county auditor: Provided, That said levy shall not be less than two-tenths (.2) of a mill and not more than one (1) mill on each dollar of all the taxable property assessed for taxation in such county, city, town or township, as shown by the tax duplicate for the year immediately preceding the fixing of such levy. When the levy for such public library purposes shall be certified to the board of county commissioners and the county auditor by the county library board, the same shall be placed upon the tax duplicate of such county, and collected in like manner as other county taxes are levied and collected. [Acts 1917, ch.45, s 6, p 110; 1921, ch.39, s 4, p 107.]

41-516 (9708). **Combination of city and county libraries.** In any county in this state in which there shall hereafter be established a county library, the library board of any existing public library in any incorporated town or city, or of any township or townships, or any combination thereof, may, with the consent of the county library board, pay over to the county library board the income from any or all sources, on the condition that said county library board shall have full power in the management of and shall maintain such city or town or township library as a branch of the county library, and that the inhabitants of such city, town, township or townships shall have all the privileges of said county library, and that such library shall remain a part of such county library as long as ten (10) per cent of the inhabitants of such city, town, township or townships shall be users of the county library through said branch [Acts 1917, ch 45, s 7, p.110]

41-517 (9709) **Liability of commissioners and board.** If any board of county commissioners or any board contributing to said library shall fail or refuse to levy the library tax provided for herein, the members of such board shall become jointly and severally liable for the amount such levy would produce on the assessment of such county if fully collected, and the same shall be recovered from them in suit by any taxpayer of such county, on behalf of the treasurer thereof, and shall be included in the funds of such library in lieu of such law (levy). [Acts 1917, ch 45, s 8, p 110]

41-518 (9709.1). **Bonds; power of board to issue and sell.** In addition to the existing powers of county libraries, as such county libraries are defined in an act entitled "An act providing for county libraries and for the extension of library privileges to counties," passed at the seventieth regular session of the General Assembly of the State of Indiana, of the year 1917, and all acts amendatory thereof, or supplemental thereto, there shall be granted to the library boards of such county libraries the power to borrow money and issue its bonds in payment thereof, as follows, to wit: Each such library board, in the name of the library, is hereby authorized and empowered to issue and sell its bonds, in such amounts and denominations as such board shall deem advisable, but not a total amount in excess of twenty thousand dollars (\$20,000) principal, for the purpose of realizing money to be used in paying for the construction or purchase of a library

building or buildings, and for the improvement of the grounds surrounding such buildings. Such bonds shall be known as "Library Building Bonds," and shall bear interest at a rate not exceeding five per cent (5%) per annum. Such bonds shall not be sold by the library board issuing them at below par, and shall mature at not more than thirty (30) years from their date. The total amount of all issues shall at no time exceed twenty thousand dollars (\$20,000). Preparatory to offering such bonds for sale, such library board shall give notice for not less than three (3) weeks of the date fixed for such sale, and in the notice give a brief description of the bonds, the mode of bidding, and inviting bids. Such notice shall be by advertisement, one (1) time each week for three (3) successive weeks in one (1) newspaper published in the chief city of the county wherein such library board is located, and by such other method of advertising, if any, as such board may prescribe. The said board shall sell said bonds to the highest and best bidder, reserving, however, in its advertisements and notices, the right to reject any and all bids. The proceeds from the sale of all bonds made under and in pursuance of this act, shall be kept in a separate fund, to be known as the "Library Building Fund," and shall be used only for the purposes hereinbefore referred to as to the objects for which such bonds are authorized to be issued.

Said county library board is hereby given the power and authority to apply a part of the proceeds derived by it from taxation, as now authorized, to the payment of the principal and accrued interest on said bonds as it shall become due [Acts 1929, ch 120, s 1, p 422]

41-519 (9709 2) **Bonds; payment and redemption** The bonds issued under the provisions of this act shall not in any respect be a corporate obligation or indebtedness of the county in which such library board is located and acting, but shall be and constitute an indebtedness of the library board only. Such bonds and the interest thereon shall be payable only out of the funds of the library board, and such bonds shall so recite such terms upon their face together with the purpose for which they are issued. Such bonds, when issued, shall be exempt from taxation. In providing for the issuance of bonds, the board shall compute the maximum amount which will be available each year from the tax levy herein authorized to apply on the payment of bonds and shall so issue the bonds that there will be sufficient funds on hand at maturity to redeem such bonds so falling due, together with the interest accruing thereon [Acts 1929, ch 120, s 1½, p 422]

D. TOWNSHIP LIBRARIES

(Burns Indiana Stats Anno, 1933, v 8, p 474-479, s 41-601 to 41-610, 41-701 to 41-707.)

41-601 (9710). **Township libraries; special tax.** In any township in which there has been, or may hereafter be established by private donations a library of the value of twenty-five thousand dollars (\$25,000) or more including the real estate and buildings used for said library for the use and

benefit of all the inhabitants thereof, the township advisory board of such township may annually levy and collect not more than six cents (6c) on the hundred dollars (\$100), upon the taxable property within the limits of such township, which shall be paid to the trustees of such library, and be applied by them to the purchase of books for said library and to the cost of the maintenance thereof, and said advisory board may, with the consent of the board of commissioners of the county, when it shall become necessary to purchase additional ground for the extension or protection of library buildings already established by such private donation, annually levy and collect not more than five cents (5c) on the hundred dollars (\$100) upon all taxable property of said township for not more than three (3) years successively, which shall be expended by said trustees in the purchase of said property, and the erection, and enlargement of a library building thereon. [As amended Acts, 1933, p 415.]

41-602 (9711) **Tax to support libraries in cities between 10,700 and 12,000 population.** In any township in this State in which there has been or may hereafter be established, by private donation, a library of the value of one thousand dollars (\$1,000), or more, for the use and benefit of all the inhabitants of said township, including the inhabitants residing in municipal corporations within said township, the township advisory board of said township shall annually levy a tax not less than one cent (1c) or more than six cents (6c) on the one hundred dollars (\$100) upon the taxable property within the limits of such township, including the taxable property within municipal corporations within such township, which tax, when collected, shall be paid semiannually on the first days of June and December of each year, to the trustees or other managing officers of such library, and be applied by them to the purchase of books for such library, and to the cost of the maintenance thereof, and, when it shall become necessary to erect or enlarge a building for such library, the township advisory board, with the consent of the common council of municipal corporations within said township, may levy annually, for a period not to exceed three years (3) successively, a tax of not more than five cents (5c) on the one hundred dollars (\$100) upon the taxable property of said township, including the taxable property within municipal corporations in said township, which tax so levied shall be collected and paid annually to the trustees or other managing officers of such library, and be expended by them in the erection or enlargement of such library [Acts 1901, ch 112, s 1., p 187.]

41-603 (9712). **Township library tax.** The advisory board of any township desiring to establish and maintain a public library open to and for the free use of all the inhabitants thereof, may levy a tax annually of not more than one mill (1) on each dollar of taxable property assessed for taxation in such township. If the advisory board do not make such levy, then, on the written petition of fifty (50) legal voters of any township, filed with the county clerk not less than fifteen (15) days prior to a township election,

the county board of election commissioners shall cause to be printed on the township ballots for such township the words: "For a township library tax." "Yes." "No." If, in the election, a majority of the votes cast on said question shall be in the affirmative, the township trustee shall thereafter levy annually a tax of not less than five-tenths (.5) of a mill nor more than one (1) mill on each dollar of the property taxable in said township for the establishment and support of a township library, free to all inhabitants of such township, which tax shall be levied, assessed, collected and paid as other township taxes are levied, assessed, collected and paid: Provided, That after such library has been established, such tax levy shall be discontinued when, under the above provision, the question of discontinuing such levy shall have been submitted to a vote and the majority of the votes cast on said question shall be in the negative: Provided further, That if there be located in said township a public library open to the use of all the inhabitants thereof, then the proceeds of said tax shall be paid to said public library. Be it further enacted, that in any township outside of cities in which there has been or may hereafter be established, by private donations a library of the value of ten thousand dollars (\$10,000) or more, including the real estate and buildings used for such library, for the use and benefit of all the inhabitants thereof, the township trustee of such township shall annually levy and collect not more than six cents (6c) on the hundred dollars (\$100) upon the taxable property within the limits of such township, which shall be paid to the trustees of such library, and be applied by them to the purchase of books for said library and to the cost of the maintenance thereof, and said trustee may, with the consent of the board of commissioners of the county, when it shall become necessary to purchase additional ground for the extension or protection of library buildings already established by such private donations, annually levy and collect not more than five cents (5c) on the hundred dollars (\$100) upon all taxable property of said township for not more than three years (3) successively, which shall be expended by said trustee in the purchase of said property and the erection and enlargement of library building thereon. [Acts 1911, ch 50, s 1, p.73.]

41-604 (9713). **Library board.** In any township where a free public library is established as above provided, there shall be established a township library board composed of the school township trustee and two (2) residents of the township, to be appointed by the judge of the circuit court (one of whom shall be a woman). Of the first two (2) members of such board so appointed, one shall be appointed for a term of two (2) years and one for four (4) years, and thereafter the term of office shall be four (4) years. Such library board shall have control of the purchase of books and the management of such library, and shall serve without compensation. Said library shall be the property of the school township, and the school township trustee shall be responsible for the safe preservation of the same. Said board shall be entitled to the possession and custody of any books remaining in the

old township library in such township; and such board shall be empowered to receive donations, bequests and legacies for and on behalf of such library, and shall be entitled to receive from the public library commission and state librarian copies of all documents of this state available for distribution. Two (2) or more adjacent townships may unite to establish and maintain a public library at the discretion of the advisory boards, and when two (2) or more townships have so united, the combined library boards appointed as herein specified or the board of the public library to which such money is paid as herein provided, shall control the library so established [Acts 1911, ch.50, s.2, p.73.]

41-605 (9714). **Managers of library.** The township trustees of any township in this state where such library may have been or may hereafter be established, shall be ex officio one of the trustees, directors, or other managing officers of such library [Acts 1901, ch.112, s.2, p 187]

41-606 (9715). **Bonds of treasurer.** The treasurer of such library shall be required to file a bond with the county auditor in a penalty and with a surety to be approved by said auditor. [Acts 1901, ch.112, s 3, p 187.]

41-607 (9716) **Reports; cities included in Act of 1901.** The treasurer of such library shall be annually required to file between the first day of January and the tenth day of January with the county auditor a detailed report of all receipts and expenditures for said library, which report shall be subject to the inspection of any of the inhabitants of said township. Provided, That the provisions of this act shall apply only to cities having a population of not less than ten thousand seven hundred (10,700) and not more than twelve thousand (12,000) inhabitants according to last preceding United States census [Acts 1901, ch 112, s.4, p 187]

41-608 (9717) **Transfer of township library.** In any township in this state in which there has been or may hereafter be established, by private donations, a library of the value of one thousand dollars (\$1,000) or more, for the use and benefit of all the inhabitants thereof, the board of commissioners of the county in which such township is situated, may, upon due proof thereof, by proper order entered upon its records, abolish the office of township librarian and require and order that the township library in the hands of the township trustee, or the librarian thereof (including all the books, papers, records, furniture and paraphernalia pertaining thereto), be turned over and transferred to the trustees or other managing officers of such library established as aforesaid. [Acts 1899, ch 139, s 1, p 228.]

41-609 (9718) **Reversion of library.** In the event said library association so established or to be established, shall, from any cause, cease to exist, or to perform its duties to the inhabitants of such township, then all its property of every kind shall be turned over to and become the property of such township. [Acts 1899, ch 139, s.2, p.228.]

41-610 (9719). **Associations legalized.** All library associations of this state which purport to have been organized and established pursuant to

the provisions of the laws of this state, for the use and benefit of all the inhabitants of any township in this state, and to which private donations to the amount of one thousand dollars (\$1,000) or more, have been subscribed, are hereby legalized, made valid and declared to be legal library corporations within the purview of this act, and all records, proceedings, subscriptions to and acts of the said library associations are hereby ratified, legalized and made valid. [Acts 1899, ch. 139, s 3, p.228.]

41-701 (9720) Purchase of books for township libraries. The superintendent of public instruction shall superintend the purchase of books for township libraries, under such regulations as the state board of education may adopt, and report to said board his proceedings in relation thereto, and said board shall order the issuing of the warrants by the auditor of state for the payment of said purchase from said library revenue [Acts 1865, ch 1, s 134, p 3]

41-702 (9721) Distribution to township. The state board of education shall, when such libraries have been received, cause the same to be distributed to the several townships in the state, under the direction of the state superintendent, who shall apportion the same according to the school population of the townships. Provided, however, That existing inequalities in township libraries shall first be corrected, and that an equal allotment be made to each of the state prisons as is distributed to townships. [Acts 1865, ch.1, s 135, p 3]

41-703 (9722). Township trustee in charge. Such library shall be in charge of the township trustee, shall be deemed the property of the township, and shall not be subject to sale or alienation from any cause whatever [Acts 1865, ch 1, s 136, p 3]

41-704 (9723) Trustee's duties. Such trustee shall be accountable for the preservation of said library; may prescribe the time of taking and the period of retaining books, assess and recover damages done to them by any person, and adopt regulations necessary for their preservation and usefulness. He shall provide book-cases, also, blank-books, ruled, in which to keep an account of books taken out and returned, and report the number each year to the county superintendent. At the commencement of each school term, at each school-house in the township, he shall cause a notice to be posted up, stating where the library is kept, and inviting the free use of the books thereof by the persons of the township. [Acts 1865, ch.1, s 137, p.3.]

41-705 (9724). Use of books. Every family in the township shall be entitled to the use of two (2) volumes at a time from said library, whether any member of such family shall attend school or not. [Acts 1865, ch 1, s 138, p.3]

41-706 (9725) Where kept. The trustee may deposit the library at some central or eligible place in the township, for the convenience of scholars and families, and may appoint, for that purpose, a librarian to have

the care and superintendence thereof. [Acts 1865, ch.1, s 139, p.3]

41-707 (9726). **When open.** The library shall be open to all persons entitled to its privileges throughout the year, without regard to school session, Sundays and holidays excepted. [Acts 1865, ch.1, s 140, p 3]

E. MUNICIPAL LIBRARIES

(1) CITIES, TOWNS, VILLAGES, NEIGHBORHOODS

(Burns Indiana Stats. Anno, 1933, v 8, p 440-465, s 41-101 to 41-123)

41-101 (9621). **Establishment.** The inhabitants of any city, town, village or neighborhood in this state, or any part of them, whenever they have subscribed the sum of fifty (\$50 00) dollars or upwards toward the establishment of a public library, may assemble themselves for the purpose of holding an election for directors [1 R S 1852, ch 64, s 1, p 355]

41-102 (9622) **Chairman and clerk.** If two-thirds of the subscribers are present, they may proceed to choose, by voice, a chairman, who shall preside at that meeting, and a clerk, who shall keep a record of the same [1 R S 1852, ch 64, s 2, p 355]

41-103 (9623) **Election of directors** After a chairman and clerk are chosen, the shareholders may proceed to choose, by ballot, seven (7) directors and to agree upon a name by which their library shall be known. The directors shall appoint one of their number to be president at their meetings, who shall have no other than a casting vote [1 R S 1852, ch 64, s 3, p 355]

41-104 (9624). **Statement.** A true statement of the proceedings of such meeting, including the amount subscribed and the number of subscribers present at their meeting, shall be sworn of affirmed to before some justice of the peace of the county, by the chairman or the clerk provided for by the second section (s 41-102) of this act, and filed in the recorder's office, and it shall be the duty of such justice to certify on such statement that it was sworn or affirmed to before him [1 R.S. 1852, ch 64, s 4, p 355]

41-105 (9625) **Recording of statement.** The recorder of the county shall record the said statement in his book of record, when required [1 R S 1852, ch 64, s 5, p 355.]

41-106 (9626). **Powers.** After such statement shall be duly recorded, the president and directors, and their successors forever, shall be a body corporate and politic, to be known by such name as is registered in the recorder's office. They shall be capable, in law and equity, to sue and be sued, plead and be impleaded answer and be answered unto, defend and be defended, in any court or courts, or before any judge or judges, justice or justices, person or persons whatsoever, in all manner of suits, actions, complaints, pleas, causes and demands whatever, in as effectual a manner as any other person or persons, body or bodies, corporate or politic, may or can do. [1 R.S. 1852, ch 64, s 6, p.355]

41-107 (9627). **Banking forbidden.** Nothing contained in this act shall be so construed as to authorize any library company incorporated in this state to issue notes or bills of credit payable to any person or persons or his or their order or to bearer; nor to deal in any kind of bills of exchange, notes or due-bills whatever. [1 R.S. 1852, ch.64, s 7, p 355.]

41-108 (9628). **Directors, annual election.** Except the first election of directors, the annual election forever thereafter shall be held on the first Monday in January; but if any annual election should be omitted, the directors shall remain in power until the next annual election, and until successors shall be chosen. [1 R.S. 1852, ch 64, s 8, p 355]

41-109 (9629). **By-laws.** Such library or libraries shall be governed and regulated by such by-laws as may, from time to time, be made by the president and directors of the same, not inconsistent with the constitution and laws of this state, who shall have power to alter, amend, abolish and renew any such by-law or by-laws at pleasure. [1 R.S. 1852, ch 64, s 9, p.355.]

41-110 (9630) **Seal; assessments; officers.** The president and directors shall have power to make a common seal, and the same to alter, break, change or renew at pleasure. They shall have power to levy a tax on the shareholders, provided such tax does not exceed one dollar (\$1 00) on each share in any one (1) year. Nothing, however, in this act shall be so construed as to prevent a majority of two-thirds of the shareholders, attending at their annual meeting, from increasing such tax to any sum not exceeding five dollars (\$5.00) on each share in any one (1) year. They shall have power to appoint a treasurer and librarian, and the same to remove at pleasure. [1 R.S. 1852, ch.64, s 10, p 355.]

41-111 (9631) **Quorum; vacancies; term.** A majority of the directors shall be necessary to form a quorum. They shall have power to fill vacancies that may happen in their own body, and the director or directors by them elected shall serve until the next annual election thereafter, and until others are elected in their stead. [1 R.S. 1852, ch 64, s 11, p 355]

41-112 (9632) **Donations.** They shall have power to receive, by donation, any books, moneys, papers, lands, or any other thing or things; and such donation, or the income or the interest thereof, shall be applied to no other purpose than to the true interest and objects of the library on which it was bestowed, according to the true intent and meaning of this act. [1 R.S. 1852, ch 64, s.12, p.355.]

41-113 (9633) **Stock.** All stock in such library association shall be deemed personal estate, and shall be transferred in the manner and under the conditions prescribed by the by-laws, of the same; and such stock shall be exempt from the levy of any state, county, township or municipal tax, and shall not be liable to execution for the debts of the owners of the same. [Acts 1873, ch.67, s.2, p.176.]

41-114 (9634). **Voting stock.** At all meetings of shareholders, each shareholder shall be entitled to one (1) vote for each share of stock held

by him; and provision shall be made by the by-laws by which absent shareholders may vote by proxy. [Acts 1873, ch.67, s 3, p.176.]

41-115 (9635.) **Reading-room and museum.** Library associations may make such provisions as the board of directors may deem proper for maintaining, in addition to the library, a reading-room and museum. [Acts 1873, ch.67, s.4, p.176]

41-116 (9636) **Fines; costs; judgment without relief.** All fines and forfeitures accruing from the violation of the by-laws and regulations made by the directors shall be recoverable, with costs, in an action before any court of competent jurisdiction, and judgments for the same shall be collected without relief from valuation or appraisement laws [Acts 1873, ch.67, s 5, p.176]

41-117 (9637) **Corporations may take stock.** Any mining or manufacturing company or other voluntary association within the state shall have the power to subscribe to and purchase stock in such library associations, and the provisions of all laws inconsistent with this section are hereby repealed [Acts 1873, ch 67, s 6, p 176.]

41-118 (9638) **Cities may take stock.** Any city incorporated under the laws of this state may, by the vote of two-thirds of the members of the common council thereof, subscribe to the stock of any public library association organized within its limits, and for the payment of such shares of stock, and the assessments on the same, may, from time to time, as the common council may think proper, annually levy and collect not more than two (2) mills on the dollar upon the taxable property within the limits of the city, which shall be paid into the city treasury, and applied to the payment of such stock and assessments made thereon. [Acts 1873, ch.67, s.7; p 176]

41-119 (9639). **Stock as prizes.** The common council of such city shall have the power, in their discretion, to cause the distribution and transfer of shares of stock held by the city as prizes to the children of the public schools in the city for good behavior and scholarship [Acts 1873, ch 67, s 8, p 176]

41-120 (9640). **Dissolution; city to manage.** Upon the dissolution or forfeiture of the franchises of such library association in which any city may have purchased stock, and is, at the time of such dissolution or forfeiture, the holder of one-third of the shares of the whole stock, the property of such association shall become the property of the city, for the free use and enjoyment of the inhabitants of such city, under regulations to be prescribed by the common council; and the common council shall thereafter control such library, and shall have power to increase the same and levy and apply the tax provided for in section 7 (s 41-118) of this act, to the increase and expenses of such library [Acts 1873, ch.67, s 9, p.176.]

41-121 (9641). **Public libraries; tax; directors.** Whenever any library, or library and reading-room combined, established under an act entitled

"An act to establish public libraries," approved February 16, 1852, and the acts supplementary thereto and amendatory thereof, shall be located within the corporate limits of any incorporated town of this state, the president and board of directors of such library may file a written request and agreement, duly signed by them or a majority of them, with the board of trustees of such town, agreeing therein to keep and maintain such library, or library and reading-room, open and free to the use and benefit of all the inhabitants of such town, and requesting the board of trustees of such town to levy a tax upon the taxable property of such town, to be applied in the purchase of reading matter for such library. If, in the judgment of the board of trustees of such town, the books and other reading matter of such library is worth, at the time of filing such agreement and request, the sum of seven hundred and fifty dollars (\$750) or more, they may annually levy a tax upon all the taxable property of said town of not less than one-fourth nor more than three-fourths of one (1) mill upon the dollar, to be collected as other taxes of such town are collected. Such tax, when collected, shall be paid over to the president and directors of such library, and shall be by them expended for the purpose of purchasing reading matter for such library, and for no other purpose, and they shall keep such tax separate from all other funds, and, in a proper book kept by them, shall show the amount of tax received, to whom and when paid out, the amount, and upon what purchase. From the time of the first receipt of any tax under this act, and so long thereafter as the trustees of such town shall annually levy and collect, or cause to be collected and paid over, a tax under the provisions of this act for the purpose aforesaid, it shall be the duty of the president and directors of such library to keep the same open and free to the use and benefit of all inhabitants of such town, subject only to such reasonable and proper restrictions as they, the president and board of directors, may impose for the preservation and usefulness of the same. But if the trustees of such town shall, during any year, fail or refuse to levy and collect a tax for the purpose aforesaid, under the provisions of this act, then the president and directors of such library shall not be longer required to keep the same open for the use and benefit of the inhabitants of such town, and the books purchased with the proceeds of such tax shall be the property of such library association, the same as if derived from any other source, after the receipt of any tax under the provisions of this act, and so long as the trustees of any such town shall annually levy and collect a tax or cause the same to be collected and paid over for the purpose aforesaid. If the president and board of directors of any such library shall fail or refuse to keep the same open and free to the use of all the inhabitants of such town, subject to the restrictions aforesaid, then all of the property of such library association, real estate excepted, shall become the property of such town, and be subject to the control and directions of the trustees thereof, and they may then levy and collect the tax provided for in this act, to be expended as well in keeping and maintaining such library

as supplying reading matter therefor. [Acts 1883, ch 134, s.1, p.200.]

41-122 (9642). **Tax limited.** The trustees of any town shall have no authority by virtue of this act to levy and collect a tax for more than one (1) library association in any one (1) year. [Acts 1883, ch.134, s.2, p.200]

41-123 (9643). **Tax levy by cities.** Whenever the board of directors of a library heretofore situate within the limits of any incorporated town may have filed the agreement and request with the board of trustees of said town, provided for in an act entitled "An act supplementary to an act entitled 'An act to establish public libraries,' approved February 16, 1852," approved March 8, 1883, and the board of trustees of such town may have levied a tax for the support of such library in pursuance of such request and agreement and in accordance with said act, and such town may afterward have become incorporated as a city, the common council of such city shall have all the powers to levy a tax, and do all other things granted by said act above named to trustees of towns, and all the provisions of said act applicable to such library and its relations to the town before its incorporation as a city shall, after such incorporation, be applicable to such library and its relations to such city [Acts 1885 (Spec Sess), ch.29, s 1, p 120]

(2) CITIES OF 3,500 TO 4,000 POPULATION

(Burns Indiana Stats Anno , 1933, v 8, p 440 to 445, s 41-201 to 41-206)

41-201 (9644) **Cities of 3,500 to 4,000 by 1900 census; Accepting control of libraries; Tax levy authorized.** That cities having a population of thirty-five hundred (3,500) by the census of 1900, and not more than four thousand (4,000), are hereby authorized to accept a tender of the custody and control of libraries established by library associations, incorporated or otherwise, provided such libraries contain at least three thousand (3,000) volumes, and to levy a tax of not more than five cents (5c) on the one hundred dollars (\$100) of valuation of taxable property within such cities for the maintenance thereof [Acts 1901, ch 12, s 1, p 14]

41-202 (9645) **Acceptance; directors; organization of board.** Such acceptance shall be indicated by a resolution of the common council of such city, whereupon the mayor of said city shall appoint three (3) reputable citizens of said city, not more than two (2) of whom shall belong to the same political party, as a board of library directors, one (1) member of said board to serve until the first day of June next succeeding, one (1) member of said board to serve until one (1) year thereafter the said first day of June next succeeding, and one (1) member of said board to serve until two (2) years thereafter said first day of June next succeeding, and a member of said board shall be appointed by the mayor of said city each year whose term of office shall commence on the first day of June of that year. Such board shall organize on the first day of June of each year by electing one (1) of its number as president, one (1) of its number as

secretary, and one (1) of its number as treasurer, which treasurer shall give a bond with freehold sureties subject to the approval of the common council, to faithfully account for all funds which may come into his hands as such treasurer. They shall be sworn by the mayor to an honest and faithful discharge of their duties. The bond of the treasurer shall be made payable to the city. [Acts 1901, ch 12, s 2, p.14]

41-203 (9646) **Taxes; expending; duties of directors.** The treasurer of the board of library directors shall receive from the city treasurer all taxes collected for library purposes and pay out the same on the order of the board. The board of directors shall have the custody and control of such library, subject to any rules adopted by, or orders of the common council, employ a librarian, if the members of said board deem it necessary, fix and pay the compensation of such librarian, pay all necessary expenses of maintaining such library, and buy new books to add to such library as the library fund may justify, but in no case shall such board be authorized to incur any liabilities in excess of the available funds on hand [Acts 1901, ch 12, s.3, p 14.]

41-204 (9647) **Use of books; reports.** Any resident of said city shall be entitled to the use of the books in such library free of charge upon compliance with such rules and regulations as may be prescribed by the board of directors, and the board of directors may prescribe such rules and regulations as they may see fit for the government and control of such libraries, if the said rules and regulations are not in conflict with any order of the common council of such city with reference to such library and the government and control thereof. Such board of directors shall make a detailed report to the common council at the end of each annual term, accompanied by the report of the treasurer and showing all receipts and expenditures by him, and attested by the president and secretary. Such directors shall serve without compensation for services [Acts 1901, ch.12, s 4, p 14.]

41-205 (9648) **Removing directors.** The common council or the mayor, upon cause shown, may at any time remove any member of the board of library directors, and upon such removal or the creation of a vacancy otherwise, the mayor shall fill the vacancy by appointment. [Acts 1901, ch 12, s 5, p.14]

41-206 (9649). **Levy and collection of tax.** The tax authorized by section one (s41-201) of this act shall be levied and collected as other taxes are levied and collected, but shall constitute a special fund to be known as "The Library Fund " [Acts 1901, ch.12, s 6, p 14]

(3) CITIES OF 17,000 TO 18,000 POPULATION

(Burns Indiana Stats. Anno, 1933, v8, p 440 to 465, s 41-207 to 41-218)

41-207 (9650) **Cities of 17,000 to 18,000; management.** Whenever any city of this state having a population of not more than eighteen thousand (18,000) nor less than seventeen thousand (17,000), according to the last

preceding United States census, and in which there is established a public library supported by public taxation, and which is under the management and control of the board of school trustees of said city, shall desire to change the management and control of such library from said board of school trustees to a board to be appointed by the common council of said city, such city shall have the power to do so by complying with the provisions of this act. [Acts 1903, ch 102, s 1, p 193]

41-208 (9651) Change in management Whenever a petition signed by at least one hundred (100) persons who are resident citizens and taxpayers of any such city shall be presented to the common council of such city, praying that the change in the management of the public library of said city provided for in section one (s 41-207) of this act shall be made as provided in said section, such common council may, by a vote of a majority of its members, adopt a resolution granting the prayers of said petition, and ordering the change therein provided for [Acts 1903, ch 102, s.2, p.193]

41-209 (9652). Library board; election. At the next regular meeting of the common council after the adoption of such resolution, such common council shall elect a board consisting of not less than three (3) nor more than five (5) persons of requisite education, fitness and ability, who shall be resident citizens and householders of said city, to constitute a library board, upon whom shall devolve the management, supervision and control of the public library of said city: Provided, That the common council shall have power, at any time, for cause, to remove any member of said board in the same way and manner as other city officers may now by law be removed. [Acts 1903, ch 102, s 3, p.193]

41-210 (9653). Organization of board; officers; bonds. Within five (5) days after notice of their appointment members of such library board shall meet at the office of the city clerk of said city and qualify by taking an oath to honestly and faithfully discharge the duties of their respective offices according to law, and shall at such time organize by electing one of their members president, one secretary and one treasurer, and within five (5) days after their election, the president and secretary shall file with the clerk of said city their respective bonds, conditioned as in ordinary official bonds, with at least two (2) freehold sureties, payable to said city in a penalty of two thousand dollars (\$2,000) each, and the treasurer of said board shall likewise, within five (5) days after his appointment as such treasurer, and before entering upon the duties of his office, execute and file with the clerk of said city his bond, conditioned as in ordinary official bonds, with at least two (2) resident freehold sureties thereon, payable to said city in a sum not less than double the amount of money which may come into his hands in any one year by virtue of his office; all of said bonds shall be approved by the common council of said city. [Acts 1903, ch.102, s.4, p.193]

41-211 (9654). Terms of members The members of such library board shall hold office for a term of three (3) years from the date of appointment:

Provided, That, at the first election of any such board under the provisions of this act, the common council making such election, where such board is to be composed of only three (3) members, shall elect one (1) for the full term of three (3) years, one (1) for two (2) years and one (1) for one (1) year, and shall annually elect thereafter one (1) member of such board, and where such board is to be composed of five (5) members, such common council shall at its first election, elect two (2) members of said board for the full term of three (3) years, two (2) for two (2) years, and one (1) for one (1) year, and shall thereafter elect their successors for a full term of three (3) years. [Acts 1903, ch 102, s.5, p.193.]

41-212 (9655) **Powers of board; transfer of library.** Such board, when appointed and qualified, shall be known as "The Library Board of the City of," and shall possess all the rights, powers and authority in library matters as are now conferred by law upon boards of school trustees, and shall discharge all the duties now imposed by law upon the boards of school trustees in library matters. Such library board, shall, after its organization and qualification and after its officers shall have filed their bond to the approval of the common council, as required by this act, notify in writing the board of school trustees of said city of the appointment and qualification of such library board, and it shall be the duty of the board of school trustees in any city where such library board shall be so appointed, and said board of school trustees is hereby required, within thirty (30) days after receipt from said library board of said notice, to turn over to said library board all the library, library property, money and effects of every kind and description appertaining or belonging to the public library of such city, and shall execute the necessary deed of conveyance and transfers therefor to said library board. A full compliance of this section on its part by such board of school trustees shall operate as a full and complete discharge from all future liability on the part of such board of school trustees in any and all matters pertaining to their management of public library affairs of said city. [Acts 1903, ch 102, s 6, p 193]

41-213 (9656) **Taxes; rules; employees.** All boards appointed under the provisions of this act shall have exclusive power and authority in public library affairs in their respective cities. Such boards shall have power to fix and levy all such taxes as are provided by law to be levied for library purposes and shall have the control of all the books and other property of every name and description belonging to the public library of any such city, and shall have the power to direct all the affairs of such public library, and, in the name of the library, have power to receive donations, bequests, legacies and devises, and to receive and convey real estate on behalf of such library. Such library board shall have the power to make and enforce rules for the management of the library under its control as it may deem necessary, and to employ a librarian and such assistants as may be needed in the care and preservation of the property belonging to such library, and to fix

and pay the salaries of the librarian and the necessary assistants, and other necessary employees. Such board shall have power to make and enforce such rules and regulations for the care of books, pamphlets, manuscripts, maps, papers and charts, etc., belonging to such library, as said board may deem necessary and proper, and to provide penalties for the violation thereof. Such boards shall have power to levy a tax of not exceeding one (1) mill on each dollar of taxable property in such city assessed for taxation in each year, which tax shall be placed on the tax duplicate of such city and collected in the same manner as other taxes, and when so collected, such taxes shall be paid over by the city treasurer to such library board, to be used for the support and maintenance of the public library of such city. Such library board shall have power and it shall be its duty to disburse said fund and all other revenue derived from gifts, devises or from any other source, in providing, fitting up and maintaining suitable rooms for such library, and in the purchase of books, manuscripts and literature for such library, and in the care, binding, preservation of the same, and in the payment of salaries and other necessary expenses [Acts 1903, ch 102, s 7, p 193]

41-214 (9657) Reports to council; vacancies in board, how filled. At least once in each year, such library board shall make to the common council of the city a detailed report of its doings in library matters, including a complete account of its receipts and expenditures. In case a vacancy occurs in any such library board, the common council of the city shall appoint a person to fill the same, who shall serve out the unexpired term [Acts 1903, ch 102, s 8, p 193]

41-215 (9658) Indebtedness, payment. All bonds, contracts or obligations whereby liability has been incurred by the board of school trustees in their conduct of library affairs shall, whenever a transfer is made to any library board created and established under the provisions of this act, of the library and library property of any city, be and become the obligation of such library board, and it is hereby made the duty of such library board to provide for and pay all such bonds and obligations according to their terms, as the same shall become due out of any fund or funds which may come into its hands under the authority of this act [Acts 1903, ch 102, s 9, p 193]

41-216 (9659) Cities not included. This act shall not apply to cities of the state operating under what are known as special charters where such special charters make provision for the management of public libraries of such city, nor shall the provisions of the act extend to those cities of this state which have organized under the authority of the public library act of 1901, in force March 4, 1901. [Acts 1903, ch 102, s 10, p 193]

41-217 (9660). Use of library; county appropriation; use of library by townships, towns, or cities. Any library organized and managed under the provisions of this act may, with the consent of the common council of the city where such library is situated, be open to the use of the citizens of the county wherein such library is situated, on such terms and conditions

as may be prescribed by the library board in charge of such library. The library board in charge of such library may, when the consent of the common council thereto has been obtained, enact all needful rules and regulations for loaning books to individual citizens of the county outside of said city, and shall prescribe and fix such compensation to be paid by such individual citizens of the county not residents of the city in which such library is situated, for the use of the books of such library, as to the library board may seem just and proper: Provided, That to those who are resident citizens of the city in which any such library is situated, the privileges of such library shall be and always remain free, subject only to such reasonable rules and regulations as may, from time to time, be enacted by the library board in charge thereof And provided further, That whenever the library board shall consent, the board of county commissioners or county council, or any other proper authority of a county, may make an annual appropriation out of the general fund of such county of an amount equal to a tax of three-tenths (3) of a mill on each dollar of the taxable property outside of such city where the said library may be located, for the support and maintenance of any library in such county which may be organized under the provisions of this act, and (if) said sum (is) paid over to the treasurer of the library board in control of any such library, then, and so long as such annual appropriations are so made and paid by any county, shall the books and privileges of such library be open to all the citizens of the county making and paying such appropriations, on the same terms, and subject to the same rules and conditions, as apply to the citizens of the city in which such library is situated And also provided, That any county making such appropriations may appoint two (2) members of said library board if said board shall consist of five (5) members, and one (1) member of said library board if said board shall consist of three (3) members, said appointments to be made by the board of county commissioners, so long as such county shall continue to make the appropriation herein provided for Such person shall possess all the qualifications required by this act of members of such library board, and shall have a voice as such advisory member in the management of the library. And provided further, That in case the county commissioners or other proper county authorities fail or refuse to make any such appropriations, then the trustees of any township, the town board of any town, or the city council of any city, within the county in which such library is located, are hereby authorized to make such contracts and arrangements with said library board for the use of the books and the advantages of the library as to them and said library board may seem just and proper for the inhabitants of their respective corporations [Acts 1903, ch 102, s 11, p 193]

41-218 (9661). **Taking effect of act.** The provisions of this act shall be in full force and effect from and after January 1st, 1904, and said library board, when so created according to this act, shall have the power and right to remove and replace any and all employees when, in their judg-

ment, the welfare of the library, and library property, requires it. [Acts 1903, ch.102, s.12, p.193]

(4) CITIES OF 50,000 TO 200,000 POPULATION

(Burns Indiana Stats Anno, 1933 [1949 Replacement Vol 8,] p.451, s.41-219, 41-220)

41-219 (9662). **Cities of 50,000 to 200,000; library tax.** Whenever there has been established by private donation in any city of this state having more than fifty thousand (50,000) and less than two hundred thousand (200,000) population, as shown by the last preceding United States census, a library containing twenty-five thousand (25,000) volumes or more, and having property including real estate and the buildings used for said library of the value of one hundred thousand dollars (\$100,000) or more, which library by the terms of the donation aforesaid is open and free to the use and benefit of all the inhabitants of such city, there shall be levied and collected annually by such city, as other taxes are collected not more than ten (10) mills upon each one hundred dollars (\$100) of the assessed valuation of all the real and personal property in said city, and when collected shall be paid over to the trustees of such library and shall be by them expended in the purchase of reading matter and for the general maintenance of such library, and for no other purpose; and they shall keep such tax separate from all other funds, and in a proper book kept by them shall show the amount of taxes received, to whom and when paid out and for what purpose, and shall make an annual report of these matters to the common council of such city [Acts 1931, ch 17, s 1, p.25]

41-220 **Fifth class cities; World War Memorial funds; transfer to library building fund.** Where in any case any city of the fifth class shall have levied and collected a tax for the purpose of constructing a World War memorial in such city, and when, subsequent to the collection of such tax, the construction of such World War memorial shall have been abandoned, any and all money which is in and kept to the credit of such World War memorial fund may, if authorized by an appropriate ordinance of the common council, be transferred to a fund to be known as the memorial library building fund, and, when so transferred, may be used and expended for the purpose of constructing and equipping a city library building, and providing therein a community room for the convenience of the citizens of such city In addition to the funds which are transferred to the memorial building fund, the common council of such city may appropriate not to exceed five thousand dollars (\$5,000) out of the general fund of such city to the memorial library building fund [Acts 1935, ch 295, s 1, p.1456.]

(5) CITIES OR TOWNS—SUBSCRIPTION

(Burns Indiana Stats Anno, 1933, v8, p 452 to 461, s 41-301 to 41-317.)

41-301 (9663). **Tax levy; subscriptions.** The common council of any city or town board of any incorporated town within this state desiring to

establish, increase and maintain a public library in such city or town, open to and for the use and benefit of all inhabitants thereof, may levy a tax annually of not to exceed one (1) mill on each dollar of all taxable property assessed for taxation in such city or town, as shown by tax duplicate for the year immediately preceding the fixing of such levy, which tax shall be placed on the tax duplicate of such city or town and collected in the same manner as other taxes are levied and collected, and such levy shall be certified to the clerk of the circuit court. If the common council of such city, or the town board of such incorporated town, do not make such levy, they shall do so at the next ensuing levy, and annually thereafter, after taxpayers of such city or town raise by popular subscription, for each of the two (2) years immediately following the date of completion of such subscription, a sum of money equal to the amount that would be derived from a tax levy of two-tenths (2) of a mill on each dollar of the taxable property assessed for taxation in such city or town, as shown by the tax duplicate immediately preceding the completion of such subscription. Provided, That no more than two (2) per cent of the entire amount necessary to be subscribed shall be subscribed by any one person, firm or corporation of such city or incorporated town. The amount of money so subscribed as herein provided for library purposes shall be made fall due and be payable in eight (8) equal quarterly installments. The first installment shall become due and payable on the first Monday of the second month following the date of the completion and filing of such subscription, as hereinafter provided, and one (1) installment shall become due and payable on the first Monday of each third month thereafter till all of such subscription is paid. The subscriptions shall be collected by the public library board, hereby created, as hereinafter provided. [Acts 1901, ch 55, s 1, p 81, 1903, ch 169, s 1, p 301.]

41-302 (9664) Subscription list. The subscription list for said money shall be filed with the clerk of the circuit court of the county in which such city or incorporated town is located. The said clerk of the circuit court, immediately thereafter, shall notify the judge of the circuit court of said county that such subscription has been filed, and he shall likewise notify the common council or town board and the school trustees of such city or town proposing to establish a public library that said subscription has been filed. The original subscription list shall be preserved by the clerk of the circuit court and by him placed in the hands of the public library board, when the board shall have been appointed as hereinafter provided. [Acts 1901, ch 55, s 2, p 81]

41-303 (9665) Examination of list; library board; tax. Within ten (10) days after said judge of the circuit court shall have been notified, as above provided, that such subscription list has been filed with the clerk of the circuit court, if one has been filed to secure the levying of such tax, or that the common council has certified to such clerk that the levy as provided

herein has been made, it shall be the duty of said judge to examine such subscription list and if it be found that an amount of solvent subscription has been made equal to the amount required by section one (s 41-301) of this act, then he shall order a copy of such subscription list spread upon the records of said court, and he shall appoint three (3) persons, resident of such city or town, as members of such public library board, one of whom he shall appoint for one (1) year, one for two (2) years and one for three (3) years, from the date of their appointment, and after the first appointment all appointments made by the judge of the court shall be for a period of two (2) years; and all appointments so made by the judge of the court shall be entered in the order books of said court. If the township advisory board of any township shall levy and collect a tax for library purposes, the total amount of which tax shall be greater than the amount of tax collected by the town or city for said library purposes, and pay the same over to the treasurer of the city or town where a library is located and otherwise avail themselves of the provisions of this act as hereinbefore provided, then and in that event the judge, in appointing the members of such public library board, at any time thereafter, may appoint persons who are residents of such city or town or of such township outside of such city or town. Within ten (10) days after the common council or the town board and the board of school trustees shall have been notified, as in section two (s 41-302) of this act, each body shall appoint two (2) persons also residents of such city or town, not otherwise appointed as members of such board, who shall become members of such public library board. The members so appointed by the common council or town board for the first appointment under this act shall serve for a period of one (1) year, and after the first appointment all appointments made by the common council or town board shall be for a period of two (2) years. The board of school trustees shall appoint its members for a term of two (2) years, who may be from their own board. If the township advisory board of any township shall levy and collect for library purposes five-tenths (5/10) of a mill on each dollar of all the taxable property assessed for taxation in said township, as shown by the tax duplicate for the year immediately preceding the fixing of such levy, exclusive of the property of such city or town already taxed for said library, and pay the same over to the treasurer of such city or town where such library is located, then in such case the township trustee shall, ex officio, be a member of such public library board, and the judge of the circuit court of the vicinity in which such township is located shall appoint one (1) person, a resident of said township, not otherwise appointed, as a member of said public library board, who shall become a member of such public library board, and such appointment by such judge shall be for a period of two (2) years, and all members of such public library board appointed as herein provided shall serve until their successors are appointed and qualified. Provided, That women may be eligible to appointment as members of such

library board and not less than three (3) of the members appointed shall be women. The judge, common council or town board, and the board of school trustees, in making the appointments, shall select persons of well known probity, integrity, business ability and experience, and who are fitted for the character of the work they are to perform, and who shall have resided for a period of not less than two (2) years, immediately preceding their appointment, in the city or town for which they are appointed, in the case of members appointed by the common council or town board and school trustees, and in the township in the case of the member appointed by the judge of the circuit court as hereinbefore provided, and in the city, town or township in the case of the members appointed by the judge, and who shall not be less than twenty-five (25) years of age at the time of appointment, and who shall serve without compensation for service. In case of vacancy on such board from any cause, it shall be the duty of said judge, common council or town board and board of school trustees to fill such vacancy occurring in the membership appointed by each respectively. [Acts 1921, ch 192, s 1, p.499.]

41-304 (9666). **Certificate; oaths.** All appointments to membership on the public library board shall be evidenced by certificates of appointment duly signed by the judge, as to members appointed by him, by the mayor or president of the town board and by the president of the board of school trustees as to members respectively appointed by them, which certificates of appointment shall be handed to or mailed to the address of the appointee. Within ten (10) days after receiving such certificates of appointment, such appointees shall qualify, by taking the oath of office, before the clerk of the court, that such appointee will faithfully discharge the duties as a member of the public library board to the best of his ability, and shall file such certificate, with the oath endorsed thereon, with the clerk of the circuit court of the county in which said library is to be established. [Acts 1921, ch 192, s.2, p.499.]

41-305 (9667). **Organization of board.** Within five (5) days after all the members of such board shall have been appointed and qualified they shall meet and organize by electing one of their number president, one vice-president and one secretary, and shall select such committees or executive board as they may deem necessary to carry on the work of the board. [Acts 1901, ch.55, s.5, p 81.]

41-306 (9668). **Powers of board; public library board; issuance, sale, and payment of bonds.** The seven members thus appointed shall constitute and be known as the public library board and shall have the control of the public library funds, and the custody and control of all the books and other property of every name and description and shall have the power to direct all the affairs of such public library; and such public library board, in the name of the library, shall be empowered to receive donations, bequests and legacies, and to receive, acquire by purchase, or otherwise, and convey real

estate, including both lands and buildings or parts thereof, for and on behalf of such library, and may construct and equip buildings, create a sinking fund, issue bonds, which sinking fund shall be created, and bonds issued, subject to the approval of the city council or the town board, and provide for the retirement of said bonds and the payment of the interest accruing thereon, and shall be entitled to receive from the state library, copies of all documents and publications of the state available for distribution. They shall have the power to make and enforce rules for the management of such libraries as they may deem necessary and to employ librarians and assistants.

Whenever the public library board has constructed or otherwise obtained a new building for library purposes, the public library board may sell and convey the building previously used and occupied for the public library, together with the land on which the same is situated; and the funds derived from such sale shall be under the control and disbursement of the public library board, for the use of the library, the same as other library funds.

Subject to the approval of the city council or board of town trustees, the library board is hereby authorized and empowered to issue, negotiate and sell the bonds of such library board in such amounts and denominations as such library board may deem advisable, but in a face amount in the aggregate not in excess of one-half of one (1) per cent on the value of the taxable property of such city. Such bonds shall be known as "Public Library Bonds" and shall be payable at such places and at such times as such board may determine and as may be stated in the bonds, and they shall bear interest at a rate not exceeding five (5) per cent per annum, payable annually or semi-annually, as said board may determine, for which interest coupons may be attached to said bonds; and said bonds may be negotiated and delivered at any market place at not less than their par value. The full term for which such public library bonds shall run shall be fifteen (15) years from the date of issuance thereof, but said bonds may be issued in a series so that such portion thereof as said board may determine may be made to mature at the end of any year within such period, or such bonds may be issued so that one-fifteenth thereof shall fall due at the end of each year and the portion so falling due, together with the interest thereon, shall, when due, be paid and cancelled. Such bonds may be issued all at one time or from time to time but no bonds issued under the authority of this act shall be delivered until the money therefor shall have been paid to the treasurer of the board issuing them and interest thereon shall begin to accrue at the time of such delivery. Preparatory to offering any such bonds for sale by any such board, such board shall give notice for not less than three (3) weeks of the date fixed for the sale of such bonds, and in the notice give a brief description of the bonds and the mode of bidding and invite bids therefor. Such notice shall be given by advertisement once each week for three (3) successive weeks in one or more newspapers of general circulation pub-

lished in the city in which such library is located, the last of which publications shall be at least one (1) week before the date fixed for the sale of such bonds, or if no paper is published therein, then by such other means of advertising as such board may prescribe. The said board shall sell such bonds to the highest or best bidder, but shall have the right to reject any and all bids. The proceeds arising from all sales of bonds made in pursuance of this act shall be used only for the purposes or for one (1) or more of the purposes hereinbefore mentioned as the purposes for which such bonds are authorized to be issued. The bonds issued under the provisions of this act shall not in any respect be a corporate obligation or indebtedness of the city or town in which such library board is located and acting, but shall be and constitute an indebtedness of the library board only. Such bonds and the interest thereon shall be payable only out of the funds of the library board, and such bonds shall so recite such terms upon their face together with the purposes for which they are issued. Such bonds, when issued, shall be exempt from taxation. When such bonds have been sold, the proceeds from such sale shall be held and disbursed as other library funds. Any sinking fund created in accordance with the provisions of this act may be accumulated over a period of years to provide for the construction of extensions of or additions to buildings in the future or to pay the bonds which are issued, together with the interest which may accrue thereon. No part of the sinking fund shall be used for any purpose other than the payment of bonds and the interest which will accrue thereon unless the use of any part of such fund will not affect the ability of the board to pay the bonds as they mature, together with the accrued interest. In providing for the issuance of bonds, the board shall compute the maximum amount which will be available each year from the tax levy herein authorized to apply on the payment of bonds and shall so issue the bonds that there will be sufficient funds on hand at maturity to redeem such bonds so falling due, together with the interest accruing thereon. [Acts 1929, ch 184, s 1, p 595]

41-307 (9669) Assessment and collection of tax for library purposes. When such public library board shall have organized for the transaction of business, there shall be placed in its hands by the clerk of the circuit court, the original subscription list, if any has been made, for the procuring of the levy of the tax as herein provided, and it shall be the duty of such library board to collect quarterly all money subscribed, as the same becomes due, as provided for in section one (§ 41-301) of this act, and pay the same over to the treasury of such town or city, and to expend the same in the establishment, equipment, enlargement and management of a public library in the manner as provided for in section eight (§ 41-308), which shall be open to and for the use and benefit of all the inhabitants of the city or town in which the same is located, and such library board may use such sum for the purchase of a building site and the erection of a library building and

the creation of a sinking fund for the payment of any bonds which shall have been issued, or any other lawful purpose, as the board may decide. It shall be the duty of such library board to determine the rate of taxation that shall be necessary to establish, increase, equip and maintain the public library and pay any outstanding bonds and certify the same to the common council or town board and the county auditor. Provided, That said levy shall not exceed one (1) mill on each dollar of all the taxable property assessed for taxation in such city or town as shown by the tax duplicate for the year immediately preceding the fixing of such levy. When the assessment for such public library purposes shall be certified to the common council or town board and the auditor, by the public library board, the same shall be placed on the tax duplicate of such county and city or town and collected in like manner as other taxes are levied and collected [Acts 1927, ch 178, s 2, p 528]

41-308 (9670) Use of fund; duty of treasurer. The tax so levied as provided for in sections one and seven (s 41-301 and 41-307) of this act shall be held and kept as a separate fund by the treasurer of such city or incorporated town for public library purposes, as herein provided, and he shall pay out of the same for library purposes only upon the warrant of the president of the library board, countersigned by the secretary thereof. The treasurer of such city or town shall be liable on his official bond for the faithful performance of the duties imposed upon him by this act.

All library money held by such treasurer under this act shall be by him kept as a separate fund and deposited in the public depositories of such city or town and all interest accruing thereon shall be credited to the library fund [Acts 1919, ch 25, s 1, p 61]

41-309 (9671) Use of library. When a public library shall have been established in any city or incorporated town in this state under the provisions of this act, such library shall be open and free for the use and benefit of all the inhabitants of the township in which such library shall be located, provided the township advisory board of the township in which such library is located, shall levy and collect a tax of two-tenths of a mill on each dollar of all the taxable property assessed for taxation in said township, as shown by the tax duplicate for the year immediately preceding the fixing of such levy, exclusive of the property of such city or town already taxed for said library, and collect and pay the same over to the treasurer of such city or town where such library is located, to be held by such treasurer as a part of the public library fund. Said library shall remain open and free for the use and benefit of all inhabitants of such township, so long as said tax as herein provided and specified shall be levied, collected and paid over to the treasurer of such city or town for the use of said library board for the purpose herein named. When the public library of any city or town is not so open and free for the use and benefit of the inhabitants of any township, by reason of such township failing to levy and

collect the tax herein required, the public library board may issue and sell certificates or library cards to any person or family resident in such township at such annual fee as may be deemed by them to be a fair compensation for such privilege, and such library cards shall give to the purchaser thereof the same rights and privileges as the inhabitants of the city or incorporated town. [Acts 1901, ch 55, s 9, p 81.]

41-310 (9672). Use of library by citizens of township; township tax; annual fee. Whenever the legally organized library board of any public library in any city or incorporated town in this state shall file notice with the township advisory board of any township or townships in which such city or town is located, or of any neighboring township, of consent of such library board to make such library open and free to all the people of said township or townships, on the condition of the said township or townships contributing to the support of such public library, such advisory board may, upon petition of fifty (50) taxpayers residing in any said township owning real estate in said township not already taxed for such library, make an annual appropriation and levy a tax of not more than one (1) mill, on each dollar of taxable property in said township, including property in cities and incorporated towns therein not already taxed for library purposes, but exclusive of the property of such city or town already taxed for such library, and collect and pay the same over to the treasurer of such city or town where such library is located, to be held by such treasurer as part of the library fund to be paid out only on warrants signed by the president and secretary of such library board. Provided, That the advisory board may levy such tax and make such appropriation without such petition. Provided, further, That in any township in this state where the public library in any city or incorporated town is open and free to the people of such township under any existing law of this state, and it appear by certificate of the library board of such public library, filed with such township advisory board, that at least one-tenth of the families of the taxpayers of such township, outside the limits of such city or town, are users of such library, such township advisory board may make appropriation and levy without such petition. Provided, further, That where any township coming under the provisions of this act owns a township library open and free to all the people of such township, and levies a library tax therefor of not less than five-tenths (5) of a mill on each dollar of taxable property in such township, it shall be discretionary with the advisory board of such township whether such a tax for such city or town library shall be levied. Said library shall remain open and free to the people of any such township or townships so long as the advisory board continues the tax herein specified. In case said tax is not levied, or is discontinued, the library board may issue or sell a certificate or library card to any person resident in such township or townships at such annual fee as may be deemed by it to be fair compensation for such privileges, and such library card shall give the pur-

chaser thereof the same right and privileges as the inhabitants of the city or incorporated town. [Acts 1933, ch.168, s.1, p 868]

41-311 (9673). **Report of receipts and disbursements.** The library board of any public library receiving funds from such township tax levy, shall make and file with the advisory board or boards of such township or townships, not later than the fifteenth day of January each year, an itemized statement of all the receipts and disbursements of such public library board for the year ending December 31 immediately preceding the making and filing [of] such report [Acts 1911, ch.132, s 2, p 330]

41-312 (9674). **Tender of library; appointing board.** If any city or incorporated town in this state where a library of the value of an amount equal to the amount of money that would be derived from a tax levy of three-tenths of a mill on each dollar of valuation of the taxable property within such city or town assessed for taxation, as shown by the preceding tax duplicate of said city or town, is already established and maintained under the existing laws of this state, and whenever the managing board of such library already so existing and maintained shall tender the ownership, custody and control of said library, free of expense, to such public library board for the use and purpose of a public library, as contemplated by this act, which tender of custody and control thereof shall be evidenced by a certificate issued by the managing board thereof and filed in triplicate with the clerk of the circuit court of the county wherein said city or town is located, with the clerk of said city or town and the secretary of the board of school trustees, in the manner and form as prescribed in the certificates of popular subscription contained in section two (s 41-302) of this act, which certificate shall show the value of such library, a public library board shall be appointed as in the manner as set forth in this act, except such board shall be appointed only when the common council or town board has decided, by a majority vote of the members thereof, to accept such library and to levy annually and collect a tax as other taxes are levied and collected and not to exceed one (1) mill on each dollar of valuation of taxable property of such city or town, as herein specified. Said council or town board shall certify its said decision of acceptance, attested by the clerk of said city or town and the mayor of such city or the president of such town board, to the judge of the circuit court and the secretary of the said board of school trustees, whereupon said judge, city council, or town board and board of school trustees shall proceed to appoint said public library board, in the manner and form, and to all intents and purposes as is done by the voluntary levy of such tax by the council or town board, or the popular subscriptions filed with the clerk of the court as hereinbefore provided. [Acts 1903, ch 169, s 5, p 301.]

41-313 (9675). **Removing members.** The judge of the circuit court, the common council or town board and the board of school trustees may, at any time, for cause shown remove any member of such library board that

may have been appointed by each, respectively, and fill the vacancy occasioned thereby as provided for in section three (s 41-303) of this act [Acts 1901, ch.55, s.11, p 81]

41-314 (9676) Reports of treasurer. The treasurer of such city or incorporated town, operating libraries under this act, shall make and file with the common council or the town board thereof, not later than the fifteenth day of January of each year, an itemized statement under oath of all the receipts and disbursements of such public library board for the year ending December 31, immediately preceding the making and filing of such report, and such report shall contain an itemized statement of the sources of all receipts, all disbursements made and the purpose for which the same were made, and such annual reports shall be opened to inspection of the citizens of such city or town, and also the township in which such city or town is located, providing the township has complied with the provisions of section nine (s 41-409) herein [Acts 1901, ch.55, s 12, p 81]

41-315 (9677) Repeal; limitation. All laws and parts of laws in conflict with the provisions of this act are hereby repealed. Provided, That this act shall not interfere with the maintenance or management of any existing library already established and operating under the laws of this state [Acts 1901, ch.55, s 13, p 81]

41-316 (9678) Transfer of property; reversion. Whenever the town board of any town shall heretofore have purchased or otherwise acquired any property for the purpose of transferring the same for library purposes to the public library board of such town, it shall be lawful for such board to transfer such property to the public library board and for the public library board to accept such property for library purposes, and that such property shall revert to the town board whenever it ceases to be used for library purposes. [Acts 1911, ch 106, s 1, p 186]

41-317 (9679) Purchases legalized. All purchases of property heretofore made by town boards for the purpose of transferring the same for library purposes to the public library board are hereby legalized and rendered valid [Acts 1911, ch 106, s 2, p 186]

F. INCORPORATED LIBRARIES

(Burns Indiana Stats , Anno 1933, v 8, p 461 to 465, s 41-401 to 41-413)

41-401 (9680) Incorporation. Whenever any number of persons, not less than seven (7), shall decide to associate themselves together for the purpose of establishing and maintaining a public library in any city or county in this state, for the general benefit and advantage of all the inhabitants of such city or county, it shall be lawful for such persons to become incorporated under this act in the manner hereinafter provided [Acts 1881, (Spec Sess), ch.84, s 1, p 588.]

41-402 (9681) Instrument of association. Whenever any persons shall desire to become incorporated under this act, for the purposes aforesaid,

they shall, by an instrument in writing, set forth the objects of the association, the corporate name to be adopted, the names and places of residence of the incorporators, and a description of the corporate seal; and they shall also, in said instrument, provide the manner in which, in case of the death, resignation or removal for any cause of any of the original incorporators, their successors shall be selected, so that the number of the members of such incorporation shall never be less than the original number. They shall also provide, in said instrument, what officers shall be elected by such corporation, and the time and manner of their election, and shall also provide therein, generally, in what manner the business of said corporation shall be conducted. Which instrument shall be signed by all the proposed incorporators, and filed in the office of the recorder of the county in which such library or reading room is proposed to be established. [Acts 1881 (Spec Sess.), ch 84, s 2, p 588]

41-403 (9682) **Recording; powers; exemption from taxation.** Upon the filing of such instrument in the proper recorder's office, it shall be the duty of the recorder to record the same in the miscellaneous records of such county, and from the time of the recording thereof as aforesaid, the said association and their successors shall be deemed and held a corporation, and shall have, possess and enjoy all the rights, powers and privileges given to corporations by common law, to sue and be sued, to borrow money and secure the payment of the same by notes and mortgages, bonds or deeds of trust, upon the person [al] or real estate of such association, to purchase, rent, lease, hold, sell and convey real estate for the benefit of such corporation, and to erect and maintain suitable buildings for the purposes aforesaid and for other objects properly connected therewith. Such corporation shall also have the right and power to receive and accept donations, either of money or real estate, either by gift or devise, and to hold, use, enjoy, mortgage, sell and convey the same, for the benefit of such corporation, in the manner provided in the deed of gift or devise by which the same was received. And the real estate and personal property of any such corporation which shall have established a public library for the purposes aforesaid, and shall have put the same into operation, shall be exempt from taxation for state, county and all municipal purposes, and shall remain exempt as aforesaid so long as the same is used exclusively for the general benefit of the inhabitants of the city or county in which such library may be located. [Acts 1881, (Spec. Sess.), ch 84, s 3, p.588]

41-404 (9683). **Gallery of art; reading-room; park.** Whenever any such corporation shall be established as in this act provided, it shall be lawful, and such corporation shall have the power, to establish and maintain, in connection with its library, a gallery of art and public reading rooms, and may also maintain, either in connection with its library building or separate therefrom, a public park. [Acts 1881, (Spec Sess.), ch 84, s.4, p 588.]

41-405 (9684). **Real estate; mortgaging in certain cities.** Public incor-

porated libraries established in a city being the county seat of a county having a population exceeding twenty-five thousand seven hundred and twenty (25,720) and not exceeding twenty-five thousand nine hundred and ninety nine (25,999), according to the last preceding United States census, is (are) hereby authorized to acquire and hold real estate to be used for library purposes, and to mortgage the same for the purpose of securing money to pay for the same. [Acts 1901, ch 90, s 1, p.130]

41-406 (9685). **Contracts legalized.** All purchases and contracts heretofore made by the directors or trustees of any such library mentioned in section one (s.41-405) of this act be and the same are hereby legalized and rendered valid. [Acts 1901, ch 90, s.2, p.130.]

41-407 (9686). **County library fund.** Where there is established in the county seat of any county containing a population exceeding twenty-five thousand seven hundred and twenty (25,720) and not exceeding twenty-five thousand nine hundred and ninety-nine (25,999), according to the last preceding United States census, a public library containing three thousand (3,000) volumes or more, open to the free use of all the citizens of the said county upon equal terms, it shall be the duty of the trustees of the county library to turn over to the directors of such public library the county library fund in their hands, either in cash, notes or other securities or property, real and personal, acquired by reason of loans of such fund, and the title and ownership or said securities of said property is hereby vested in the board of directors of said public library, and the said board of directors shall have power to collect the same by suit or otherwise, to loan the same as in this act provided and to do all things necessary for the care and safety of such fund and to sell and convey said property, real and personal, acquired through said loans. Said board of directors may expend said fund or part of it in the purchase and improvement or in the payment of purchase money of real estate for the use of said library. Any part of said fund not so used shall be loaned by the board of directors as school funds are loaned by the county auditor. [Acts 1901, ch 90, s.3, p 130]

41-408 (9687) **City or town library at county seat.** Wherever there is established in a city or town being the county seat of a county having a population according to the census of 1890, exceeding nineteen thousand seven hundred (19,700), and less than twenty thousand (20,000), in which there is or may be established a public library, containing, for the use of the public, more than three thousand (3,000) volumes, the directors or trustees thereof propose in writing to the common council of the city, or board of trustees of the town, to maintain such library for the free use of all inhabitants of said town or city and to keep the same open to the public for not less than one-half of each day in the year, except legal holidays, it shall be the duty of said common council [or board of trustees] to levy, collect and pay over to the directors or trustees of said library, for its support and maintenance, an annual tax of not less than four-tenths (4) of a mill nor

more than one (1) mill on the dollar : Provided, That upon the dissolution of said public library or the association operating it, the property of such library or association shall revert to said city or town for the use of the inhabitants of the city or town under such rules and regulations as may be prescribed by the common council or board of trustees. [Acts 1899, ch.48, s.1, p.67.]

41-409 (9688). **Transfer of county library.** Wherever there is established at the county seat of any county having a population of not less than nineteen thousand seven hundred (19,700), and not exceeding twenty thousand (20,000), according to the census of 1890, a public library which is open upon equal terms to all the inhabitants of such county, the trustees of the county library (of such library) of such county shall deposit with said public library all of the books, furniture and property of every kind belonging to such county library, to be used together with the books of such public library by all the inhabitants of such county upon equal terms [Acts 1899, ch.48, s 2, p 67.]

41-410 (9689). **Appropriation by county.** The board of county commissioners shall appropriate and pay to the trustees of said library annually, for the care and maintenance of said library, a sum not less than one hundred dollars (\$100) [Acts 1899, ch.48, s.3, p.67]

41-411 (9690) **Listing and labeling books.** All papers, books and property of the county library so deposited, and all papers, books and property which may hereafter be purchased with funds of said county library shall be so listed and labeled that their identity may be preserved. [Acts 1899, ch.48, s 4, p 67.]

41-412 (9691). **Loaning funds.** The trustees of such county library shall loan the principal sum of the county library fund upon the same terms and conditions and under the same restrictions as school funds are loaned, and at the rate of seven (7) per cent per annum payable in advance, and the same laws as to collection of principal and interest shall govern as in the case of the school fund. The said trustees of the county library shall collect such interest as it may become due and shall pay over the same to the directors of said public library, who shall expend it for the proper care and renewal of the books and property of the county library. [Acts 1899, ch.48, s 5, p.67.]

41-413 (9692) **Return of books to county library.** If said public library shall cease to exist, or shall cease to furnish equal facilities to all the inhabitants of the county, it shall be the duty of the trustees of the county library to reclaim the books and property. [Acts 1899, ch.48, s.6, p 67.]

G. SCHOOL LIBRARIES

(1) GENERAL PROVISIONS

(Burns Indiana Stats Anno, 1933, v 6, p.655, 705, s.28-1433 to 28-1435, 28-2041)

28-1433 (6716). **Libraries in cities and towns.** In all cities and incor-

porated towns of this state, the board of school trustees, board of school commissioners, or whatever board may be established by law to take charge of the public or common schools of said city or incorporated town, shall have power, if, in their discretion, they deem it to the public interest, to establish a free public library in connection with the common schools of said city or incorporated town, and to make such rules and regulations for the care and protection and government of such library and for the care of the books provided therefor, and for the taking from and returning to said library of such books as the said board may deem necessary and proper, and to provide penalties for the violation thereof. Provided, That in any city or incorporated town where there is already established a library open to all the people, no tax shall be levied for the purpose herein named: Provided, further, That in all cities having according to the last preceding United States census not less than four thousand (4,000) nor more than four thousand five hundred (4,500) population, in which there is a public library open to all the people already established under the library laws of this state, supported in whole or in part by taxation, such board of school trustees, board of school commissioners, or other board established by law to take charge of the public or common schools of said city or incorporated town, shall have the power, by and with the consent of the public library board in charge of such library already established, to take over, receive and take full charge of such established library, together with all the property, whether real, personal or mixed, and support, maintain and operate such library the same as if such library had been originally established by such board, and for the purpose of supporting, maintaining, increasing and operating such library, such board shall have the power and authority to receive gifts and donations, and shall have the same power of taxation as vested by law in the public library board from which such library was taken over and received [Acts 1913, ch 98, s 1, p 269]

28-1434 (6717) **Libraries; tax to maintain.** Such board shall also have power to levy a tax of not exceeding one (1) mill on each dollar of taxable property assessed for taxation in such city in each year; which tax shall be placed on the tax duplicate of such city, and collected in the same manner as other taxes; and when said taxes are so collected, they shall be paid over to the said board for the support and maintenance of said public library. Such board shall have power, and it shall be its duty, to disburse said fund, and all revenues derived from gift or devise, in providing and fitting up suitable rooms for such library, in the purchase, care and binding of books therefor, and in the payment of salaries to a librarian and necessary assistants. [Acts 1899, ch 249, s 1, p 561]

28-1435 (6718) **Libraries; real estate.** Any such city in which a free public library may be established in accordance with the terms of this act may acquire by purchase, or take and hold by gift, grant or devise, any real estate necessary for, or which may be donated or devised for, the benefit of

such library; and all revenues arising therefrom, and the proceeds of the same, if sold, shall be devoted to the use of said library. [Acts 1881, ch.27, s.3, p.47.]

28-2041 (6761). **Library building bonds; issue and sale.** The common school corporation in each city of this state of one hundred thousand (100,000) or more, inhabitants, according to the last preceding United States census, shall in addition to all other powers granted it by law, have power to borrow money and issue its bonds therefor as hereinafter provided, viz. Each such common school corporation is hereby authorized and empowered to issue and sell its bonds, in such amounts and denominations as the board of school commissioners thereof may deem advisable, but not a face amount in the aggregate in excess of five hundred thousand dollars (\$500,000) principal, for the purpose of realizing money to be used in paying for the construction of a library building, or library buildings, for a main library, or branch libraries, or both, and in paying for the equipping of such building or buildings and for the improvement of the grounds surrounding such buildings. Such bonds shall be known as "library building bonds," and they shall bear interest at a rate not exceeding four and one-half (4½) per centum per annum, and the interest shall be paid semi-annually. Such bonds shall be sold by the school city issuing them at not below par and shall mature not more than forty (40) years from their date. They may be issued all at one (1) time or from time to time, but, in no event, in an aggregate principal sum of more than five hundred thousand dollars (\$500,000). No bond issued under the authority of this act shall be delivered until the money therefor shall have been paid to the treasurer of the school city issuing it and interest thereon shall begin to accrue at the time of such delivery. Preparatory to offering any such bonds for sale by any such school city, its board of school commissioners shall give notice for not less than three (3) weeks of the date fixed for the sale and in the notice give a brief description of the bonds and of the mode of bidding, and inviting bids. Such notice shall be by advertisement, one (1) time each week for three (3) successive weeks, in one (1) newspaper published in the city wherein the school corporation is located and in one (1) newspaper published in the city of New York, and by such other method of advertising, if any, as the board of school commissioners may prescribe. The said board shall sell the bonds to the highest and best bidder, reserving, however, in its advertisements and notices, the right to reject any and all bids. The proceeds arising from all sales of bonds, made in pursuance of this act, shall be kept in a separate fund and to be known as the "library building fund" and be used only for the purposes, or for some one or more of the purposes, hereinbefore referred to as objects for which such bonds are authorized to be issued. [Acts 1913, ch 127, s 1, p.318.]

(2) SCHOOLS IN CITIES OF 70,000 TO 102,000 (GARY)

(Burns Indiana Stats Anno, 1933, v.6, p 673-680, s 28-1901 to 28-1913)

(3) SCHOOLS IN CITIES OF MORE THAN 300,000 (INDIANAPOLIS)

(Burns Indiana Stats Anno, 1933, v 6, p 728-729, 736-747, s 28-2301 to 28-2303, 28-2311 to 28-2337, *Ibid* June 1941 Suppl p 263-265, s 28-2304 to 28-2310.)

H. PROTECTION OF LIBRARY PROPERTY

(Burns Indiana Stats Anno, 1933, v 4, p 581, s 10-4517)

Sec. 10-4517 (2507). **Library books; defacing.** Whoever, having access to, or being in possession of any book, magazine, newspaper, manuscript, map, chart, plan, printing, engraving, photograph or other literary property of any library organized under the laws of this state, or belonging to any educational institution in this state, shall wilfully or mischievously cut, mark, mutilate, deface, write in or upon the same, or otherwise injure the same, or procure the same to be so injured; or whoever shall wilfully or mischievously injure or deface any book, plate or library mark, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars(\$100). [Acts 1905, ch.169, s 428, p 584]

I. TAX EXEMPTIONS

(Burns Indiana Stats Anno, June 1941 Suppl p 560, s 64-219)

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A. STATE LIBRARIES

(Iowa Code 1939, p 739-742, s 4541 01-4541 15)

4541 01. **State libraries; historical; archives department.** There is established:

- (1) The Iowa state traveling library
 - (2) The Iowa state department of history and archives
 - (3) The Iowa state law library
 - (4) The Iowa state medical library
- [48 G A , ch 113, s 1]

4541 02 **Board of trustees.** The Iowa state traveling library, the Iowa state department of history and archives, the Iowa state law library, and the Iowa state medical library shall be under the control of a board of trustees consisting of the governor, a member of the supreme court to be designated from time to time by the court, and the superintendent of public instruction [48 G A., ch 113, s 2]

4541 03 **Powers and duties of the board.** The board of trustees shall:

1. Make and enforce rules for the keeping of the records and for the management and care of the property of the Iowa state traveling library, the Iowa state department of history and archives, the Iowa state law library, and the Iowa state medical library

- 2 Appoint a qualified curator of the Iowa state department of history and archives whose regular term of office shall be for six years and who may be removed only for causes by a two-thirds vote of the board of trustees. Such appointment shall be made solely upon merit and with no consideration given to the political affiliations of the person appointed.

3. Appoint a state law librarian who shall be a graduate of an approved

law school and who shall have special competence in the organization and administration of a law library and training in the science of bill drafting. Such appointment shall be made for a term of six years and the state law librarian shall be removed only for cause by a two-thirds vote of the board of trustees. Such appointment shall be made solely upon merit and with no consideration given to the political affiliations of the person appointed.

4 Appoint a librarian of the state traveling library who shall be a graduate of an accredited library school or an experienced librarian who has had ten (10) years of successful library administration, and who shall be appointed for a term of six years and who shall be removed only for cause by a two-thirds vote of the board of trustees. Such appointment shall be made solely upon merit and with no consideration given to the political affiliations of the person appointed.

5. Appoint a state medical librarian, who shall be a graduate of a recognized school of medicine and who shall have a special competence in the organization and administration of a medical library. Such appointment shall be made for a term of six years and the state medical librarian shall be removed only for cause upon a two-thirds vote of the board of trustees. Such appointment shall be made solely upon merit and with no consideration given to the political affiliations of the person appointed.

6. Appoint, after consultation with the curator, the librarian of the state traveling library, the state law librarian, and the state medical librarian, such qualified assistants as the board may deem necessary to carry on the work of the department of history and archives and the state traveling library, the state law library, and the state medical library.

7 Meet at least three times during the year at the call of the chairman of the board of trustees, who shall be elected from among their own number.

8. Have control of the historical building and assign space therein to be occupied by the department of history and archives, the Iowa state traveling library, and the Iowa state medical library.

9 Adopt rules providing for the loaning of books in the Iowa state law library, the Iowa state traveling library, and the Iowa state medical library.

10 Adopt reasonable rules providing penalties for injuring, defacing, destroying, or losing books in the Iowa state law library, the Iowa state traveling library, and the Iowa state medical library. All fines, penalties, and forfeitures imposed by the rules of the board for any violation may be recovered in an action in the name of the state and applied to the use of libraries, under the direction of the board.

11. It may develop and adopt plans to provide more adequate library service for all residents of the state.

12 Operate traveling libraries and circulate books under their control or subsequently acquired within the state to libraries, schools, colleges, universities, library associations, farmers' institutes, granges, study clubs, charitable and penal institutions, and individuals, free of cost except for transportation.

13. Report in writing to the governor semi-annually all matters pertaining to the Iowa state law library, the department of history and archives, and the Iowa state medical library. [48 G.A., ch.113, s.3.]

4541.04. Acceptances and use of money grants. The board of trustees is hereby authorized and empowered to receive, accept, and administer any money or moneys appropriated or granted to it, separate and apart from the general library fund, for providing and equalizing public library service in Iowa:

(1) By the federal government and

(2) By any other agencies, private and/or otherwise

The fund herein provided for shall be administered by the board of trustees, which body shall frame by-laws, rules, and regulations for the allocation and administration of this fund.

The fund shall be used to increase, improve, stimulate, and equalize library service to the people of the whole state, and for adult education and shall be allocated among the cities, counties, and regions of the state, taking into consideration local needs, area and population to be served, local interest as evidenced by local appropriations, and such other facts as may affect the state program of library service.

Any gift or grant from the federal government or other sources shall become a part of said fund, to be used as part of the state fund, or may be invested in such securities in which the state sinking fund may be invested as in the discretion of the board of trustees may be deemed advisable, the income to be used for the promotion of the libraries aforesaid [48 G.A., ch.113, s.4.]

4541 05. Duties of the state law librarian. The state law librarian shall:

1 Have general charge of the Iowa state law library, which shall be maintained in the capitol or elsewhere in rooms convenient to the supreme court and which shall always be available for free use by the residents of Iowa under such reasonable rules as the board may adopt.

2. Organize as an integral part of the Iowa state law library a legislative reference bureau in which he shall provide the reports of the various officers and boards of this state, and as far as may be of the other states, and such other material, periodicals, or books as will furnish the fullest information practicable upon all matters pertaining to current or proposed legislation and to legislative and administrative problems, prepare and submit digests of such information and material upon the request of any legislative committee, member of the general assembly, or head of any department of state government.

3. Arrange to make exchanges of all printed material published by the several states and the government of the United States.

4. Report in writing to the board semiannually, or oftener if required, all matters pertaining to the state law library

5. Perform such other duties as may be imposed upon him by law or by the rules of the board [48 G.A., ch.113, s.5]

4541 06 Duties of the Curator of the Department of History and Archives. The curator shall:

1 Custody of historical building. Under the direction of the board, be custodian of the historical building and collections therein, and shall keep the rooms assigned to the department and the collections open for inspection by the public during such hours of each day as the board may direct, but the curator shall cause the same to be kept open on Sunday afternoons during the sessions of the general assembly

2 Custody, display, and publication of material. Under the direction of the board, collect, preserve, organize, arrange, and classify works of art, books, maps, charts, public documents, manuscripts, newspapers, and other objects and materials illustrative of the natural and political history of the territory and state and of the central west, and of the traditions and history of the Indian tribes and prior occupants of the region, and publish such matter and display such material as may be of value and interest to the public.

3 Collection of memorials and mementoes. With the approval of the board, collect memorials and mementoes of the pioneers of Iowa and the soldiers of all our wars, including portraits, specimens of arms, clothing, army letters, commissions of officers, and other military papers and documents

4 Ethnology and archaeology. Receive and arrange in cases, objects illustrative of the ethnology and prehistoric archaeology of this and surrounding states

5 Inventory of property. As soon as practicable, prepare a classified index and inventory of all the property belonging to the museum or in its custody, and determine through the aid of experts the money value thereof, so far as practicable, and when done a summary of the same shall be included in his report, and thereafter such reports shall set forth all additions thereto with their money value, if any, and give a list of items lost or dropped from the collections. His report shall also contain a separate statement of materials obtained by gift and by purchase during each biennium.

6 Newspapers. The curator shall subscribe for such newspapers as in his judgment are necessary to preserve for historical purposes. The list of papers so selected shall be submitted to the board of trustees for its approval. The curator shall bind every two years such newspapers as are received for historical purposes

7 Custodian of works of art. Except as otherwise specifically provided, be Custodian of and care for and preserve the monuments, memorials, and works of art on the grounds and in the buildings at the seat of government, and report from time to time to the proper officer or board the condition and his recommendations in respect thereto

8 Report to board. Report to the board semiannually or oftener as re-

quired, all matters pertaining to the condition of the Iowa state memorial museum of art and history.

9. **Other duties.** Perform such other duties as may be imposed upon him by law or prescribed by the rules of the board. [48 G A., ch.113, s.6.]

4541 07. **Gifts.** The curator is hereby authorized and empowered, as trustee for the state, to accept gifts of property, real, personal, or mixed, for the benefit or endowment of the Iowa state department of history and archives or for the commemoration of the lives of worthy citizens, or for the purpose of perpetuating records of historic events, or for scientific purposes Any gift accepted shall be immediately reported to the board of trustees; but any gift imposing unusual monetary obligations on the department shall be approved by the board before acceptance. [48 G.A , ch 113, s.7.]

4541 08. **Investments.** The curator and the board of trustees shall have authority and power to invest, in accordance with the provisions of the trust, any such gifts or endowments, and establish and enforce rules for the purpose of governing and maintaining such endowments or memorials as may be created or established under and pursuant to section seven [48 G A , ch 113, s.8]

4541 09 **Archives.** The curator shall be the trustee and custodian of the archives of Iowa and of such county and municipal archives as are voluntarily deposited The term "archives" shall mean those manuscripts and materials originating under or passing through the hands of public officials in the regular course and performance of their duties, over ten years old, and not in current use , but the executive council shall have power and authority to order the transfer of such archives or any part thereof at any time prior to the expiration of the ten years, or cause them to be retained in the respective offices beyond such limit if in its judgment the public interests or convenience shall require it. [48 G.A , ch.113, s 9]

4541.10 **Records delivered.** The several state, executive, and administrative departments, officers or offices, councils, boards, bureaus, and commissioners, are hereby authorized and directed to transfer and deliver to the Iowa state department of history and archives such of the public archives as are designated in section 4541 09, except such as in the judgment of the executive council should be retained longer in the respective offices, and the curator is authorized to receive the same [48 G A , ch.113, s 10.]

4541.11. **Removal of original.** After any public archives have been received into the division of public archives by the curator, they shall not be removed from his custody without his consent except in obedience to a subpoena of a court of record or a written order of the officer from whose office they were received.

The curator shall annually submit to the trustees a list of papers and documents which have no further value, and upon approval of the said trustees such items may be destroyed. [48 G A , ch 113, s.11.]

4541.12. Certified copies; fees. Upon request of any person, the curator shall make a certified copy of any document contained in said archives, and when such copy is properly authenticated by him it shall have the same legal effect as though certified by the officer from whose office it was obtained or by the secretary of state. Said curator shall charge and collect from such copies the fees allowed by law to the official in whose office the document originates for such certified copies, and all such fees shall be turned into the state treasury. [48 G A , ch 113, s 12]

4541.13. Duties of state medical librarian. The state medical librarian shall:

1. Have general charge of the state medical library which shall always be available for free use by the residents of Iowa under such reasonable rules as the board may adopt.

2. Report to the board in writing semiannually, or oftener if required, all matters pertaining to the state medical library.

3. Give no preference to any school of medicine and shall secure books, periodicals, and pamphlets for every legally recognized school without discrimination.

4. Perform such other duties as may be imposed upon him by law or prescribed by the rules of the board [48 G A , ch 113, s 13.]

4541.14. Duties of the librarian of the state traveling library. The librarian of the state traveling library shall:

1. Give advice and counsel to all free and other public libraries, and all communities which may propose to establish them, as to the best means of establishing and maintaining such libraries

2. Act under the direction of the board of trustees in supervising the work

3. Report in writing to the board semiannually, or oftener if required, all matters pertaining to the state traveling library

4. Obtain from all free public libraries reports showing the condition, growth, development, and manner of conducting such libraries and shall furnish annually to the superintendent of printing such information for publication in the Iowa official register as may be deemed of public interest. [48 G. A., ch.113, s.14.]

4541.15. Public libraries not affected. Nothing contained in this act shall be construed as repealing or superseding chapter two hundred ninety-nine (299) or any section of said chapter [48 G A , ch.113, s.16]

B. STATE HISTORICAL SOCIETY

(Iowa Code, 1939, p 742, s 4542-4548)

Editor's note—In the citations following each section of the Iowa law, the letter "c" refers to the Code of Iowa. The figures following denote the year or years of publication and section number. For example (c 24, 27, 31, s 5849) refers to s.5849 as it appeared in the Codes of 1924, 1927, and 1931.

Sec. 4542 Objects and purposes. The state historical society shall be maintained in connection with and under the auspices of the state university

for carrying out the work of collecting and preserving materials relating to the history of Iowa and illustrative of the progress and development of the state; for maintaining a library and collections, and conducting historical studies and researches; for issuing publications, and for providing public lectures of historical character, and otherwise disseminating a knowledge of the history of Iowa among the people of the state. [c.24, 27, 31, s.4542.]

Sec. 4543. Board of curators; meetings. The board of curators of the society shall consist of eighteen persons, nine of whom shall be appointed by the governor, and nine elected by members of the society. Their term of office shall be two years, and they shall receive no compensation. The governor shall make his appointments on or before the last Wednesday in June in each even-numbered year, and the terms of the persons appointed shall commence on that day, and, at the annual meeting of the society in each odd-numbered year, the others shall be elected by ballot from the members of the society, for the term next ensuing, which annual meeting shall be held at Iowa City on the Monday preceding the last Wednesday in June. [c.24, 27, 31, 35, s.4543.]

Sec. 4544. Members. Members may be admitted to the society at any time under such rules as may be adopted by the board of curators. [c.24, 27, 31, 35, s.4544.]

Sec. 4545 Officers; compensation. The board shall appoint annually, or oftener if need be, a corresponding secretary, recording secretary, treasurer, and librarian from the members of the society outside of their own number, who shall hold office for one year, unless sooner removed by a majority vote of the board. Said officers shall hold the same position in the society as upon the board of curators, and their respective duties shall be determined by said board. No officer of the society or board shall receive any compensation from the state appropriation thereto. [c.24, 27, 31, 35, s.4545.]

Sec. 4546 President. It shall also appoint from its members a president, who shall be the executive head of the board, and hold office for one year and until his successor is elected. [c.24, 27, 31, 35, s.4546.]

Sec. 4547. Executive board. The curators, a majority of whom shall reside in the vicinity of the university, and five of whom shall constitute a quorum, shall be the executive board of the society, and have full power to manage its affairs. It shall keep a full and complete account of all of its doings, and of the receipt and expenditure of all funds collected or granted for the purposes of the society, and shall biennially report the same to the governor. [c.24, 27, 31, 35, s.4547.]

Sec. 4548. Reports and documents furnished. Five copies of the reports of the supreme court and twenty copies of all other books and documents published by the state or upon its order shall be delivered to the society for the purpose of effecting exchanges with similar societies in other states and countries, and for preservation in its library, or other purposes of the society. [c.24, 27, 31, 35, s.4548.]

C. DISTRIBUTION OF PUBLIC DOCUMENTS

(Iowa Code, 1939, p 96-98, 1092, s 227, 229, 231, 233, 238 1, 238 2-240, s 6581.)

Sec. 227. Libraries. The completed journals of the general assembly, and the official register shall be sent to each free public library in Iowa, the state library, the library commission, libraries at state institutions, and college libraries. [c 24, 27, 31, 35, s.227]

Sec. 229. Congressional library. Two copies of each publication shall be sent to the library of congress [c 24, 27, 31, 35, s 229.]

Sec. 231. County superintendent. The official register shall be distributed, in addition to the foregoing provisions, to the school libraries, through the county superintendent of schools to whom they shall be sent in bulk, and who shall direct their distribution each in his own county. [c 24, 27, 31, 35, s 231.]

Sec. 233 General distribution. The superintendent may send additional copies of publications to other state officials, individuals, institutions, libraries, or societies that may make request therefore [c 24, 27, 31, 35, s.233]

Sec. 238 1 Code; session laws. The superintendent of printing shall make free distribution of the code, and of the acts of each general assembly, as follows:

- | | |
|--------------------------------------------------------------------------------------|------------|
| 1. To state law library for exchange purposes. . . . | 125 copies |
| 2. To law library of state university for exchange purposes | 50 copies |
| 3. To state historical department | 5 copies |
| 4. To state historical society | 5 copies |
| * * * * * | |
| 17. To library of congress | 7 copies |
| 18 To library of the Iowa state college of agriculture and
mechanic arts | 1 copy |
| 19 To library of the United States department of justice | 1 copy |
| 20 To library of the judge advocate general, United States
war department | 1 copy |
| 21 To library of the United States department of agricul-
ture | 1 copy |
| 22 To library of the United States department of labor | 1 copy |
| * * * * * | |
| 25 To library of the United States department of state | 1 copy |
| 26. To law library of the United States department of the
interior | 1 copy |
| 27. To library of the United States department of internal
revenue | 1 copy |

[c.24, 27, 31, 35, s.235.]

Sec. 238 2. Book of annotations and tables of corresponding sections. The superintendent of printing shall make free distribution of the book of

annotations to the code, and of the supplements to said book of annotations, and of the book of tables of corresponding sections of the code, as follows:

1. To state law library for exchange purposes 60 copies
 - 2 To law library of state university for exchange purposes 40 copies
 3. To state historical department 2 copies
 - 4 To state historical society 1 copy
- [c 27, 31, 35, s.238—a1.]

Sec. 239. Supreme court reports. The superintendent of printing shall make free distribution of the reports of the supreme court as follows:

- 1 To library of congress 2 copies
 - 2 To library supreme court United States 2 copies
* * * * *
 7. To the state law library 90 copies
* * * * *
 11. To law library state university 50 copies
 - 12 To library state historical society 5 copies
 13. To the library Iowa state college of agriculture and
mechanic arts 2 copies
- [c 24, 27, 31, 35, s.239]

Sec. 240 Exchange. The volumes delivered to the state (law) library shall be used for the purpose of effecting exchange with other states, foreign countries and provinces, for similar reports All books received in such exchange shall become a part of the state library [c 24, 27, 31, 35, s 240.]

Sec 6581. Itemized statements. In cities organized under the provisions of this chapter having less than fifty thousand population, the council shall publish itemized statements once each quarter of all receipts and disbursements of the city, and a summary of the council proceedings immediately after each regular or special meeting, said statements and summary to be published in one or more newspapers of general circulation in said city; provided, however, that in cities organized under the provisions of this chapter having more than fifty thousand population the council shall each month print in pamphlet form a detailed itemized statement of all receipts and disbursements of the city, and a summary of its proceedings during the preceding month, and furnish copies thereof to the state library, the city library, the daily newspapers of the city and to persons who shall apply therefor at the office of the city clerk [c 24, 27, 31, 35, s 6581]

D. CONTRACTS FOR LIBRARY SERVICE

(Iowa Code, 1939, p.725, 968, 1688, s 4391, 5859-5863, 10419)

Sec. 4391 Contract for use of library. The board of directors of any school corporation in which there is no free public library may contract with any free public library for the free use of such library by the residents of such school district, and pay such library the amount agreed therefor as provided by law. During the existence of such contract, the board shall certify

annually a tax sufficient to pay such library the consideration agreed upon, not exceeding one-fourth mill on the dollar of the taxable property of such district. During the existence of such contract, the school corporation shall be relieved from the requirement that the school treasurer withhold funds for library purposes. This section shall not apply in townships where a contract for other library facilities is in existence. [c 24, 27, 31, 35, s.4391.]

Sec. 5859. Power to contract. Contracts may be made between the board of trustees of any free public library and any city, town, school corporation, township, or county for its use by their respective residents. Townships and counties may enter into such contracts, but may only contract for the residents outside of cities and towns. Such contract by a county shall supersede all contracts between the library trustees and townships or school corporations outside of cities and towns. [c.24, 27, 31, 35, s.5859.]

Sec. 5860. Method of use. Such use shall be accomplished by one or more of the following methods in whole or in part:

1. By lending the books of such library to such residents on the same terms and conditions as to residents of the city or town in which said library is situated.

2. By the establishment of depositories of books of such library to be loaned to such residents at stated times and places

3. By the transportation of books of such library by wagon or other conveyance for lending the same to such residents at stated times and places.

4. By the establishment of branch libraries for lending books to such residents. [c.24, 27, 31, 35, s 5860.]

Sec 5861 Rate of tax. Such contracts shall provide for the rate of tax to be levied during the period thereof, and shall remain in force until terminated by a majority vote of the electors of such school corporation, civil township, county, city, or town voting on the proposition at such election [c 24, 27, 31, 35, s 5861]

Sec. 5862 Township tax. The board of trustees of any township which has entered into such a contract shall at the April meeting levy a tax not exceeding one-fourth mill on the dollar on all taxable property in the township to create a fund to fulfill its obligation under the contract. [c.24, 27, 31, 35, s.5862]

Sec. 5863. County tax. The board of supervisors, after it makes such contract, shall levy annually on the taxable property of the county outside of cities and towns, a tax of not more than one-fourth mill to create a fund to fulfill its obligation under the contract. [c.24, 27, 31, 35, s.5863.]

Sec. 10419. Contracts, elections, and ordinances regarding libraries. Where cities or incorporated towns and institutions of learning have established or contracted to establish public libraries to be maintained and controlled jointly as contemplated by this act (30GA, ch.24), all contracts,

elections, ordinances, and other proceedings made, held, or passed in the manner provided by law are hereby declared as valid and obligatory upon the parties thereto as though the same had been made, held, or passed after the taking effect of this act. [c 24, 27, 31, 35, s.10419]

E. PUBLIC LIBRARIES

(Iowa Code, 1939, p 967-968, 1035, 1036, 1038, 1042, 1043, 1091, 1110, 1121, 1130, s 5849-5866, 6197, 6210, 6211 [19]-6211 [21], 6239, 6241, 6572, 6573, 6651, 6764, 6856 [6].)

Sec. 5849. Formation; maintenance. Cities and towns may provide for the formation and maintenance of free public libraries open to the use of all inhabitants under proper regulations, and may purchase, erect, or rent buildings or rooms suitable for this purpose and provide for the compensation of necessary employees. [c 24, 27, 31, 35.]

Sec 5850. Donations. They may receive, hold, and dispose of all gifts, donations, devises and bequests that may be made to them for the purpose of establishing, increasing, or improving any library, and when the conditions thereof have been accepted by the city, their performance may be enforced by the library board by an action of mandamus against the council or by other proper action. The council may apply the profits accruing therefrom to best promote the prosperity and utility of the library. [c 24, 27, 31, 35, s 5850]

Sec 5851 Library trustees. In any city or town in which a free library has been established, there shall be a board of library trustees, consisting of five, seven, or nine members, to be appointed by the mayor, by and with the approval of the city council, which shall also establish by ordinance the number to be appointed [c 24, 27, 31, 35, s.5851]

Sec 5852 Term of office. Of said trustees so appointed on boards to consist of nine members, three shall hold office for two years, three for four years, and three for six years, on boards to consist of seven members, two shall hold office for two years, two for four years, and three for six years, and on boards to consist of five members, one shall hold office for two years, two for four years and two for six years, from the first day of July following their appointment in each case, and at their first meeting they shall cast lots for their respective terms, reporting the result of such lot to the council. All subsequent appointments, whatever the size of the board, shall be for terms of six years each, except to fill vacancies [c 24, 27, 31, 35, s.5852]

Sec 5853. Qualifications. Bona fide citizens and residents of the city or town, male or female, over the age of twenty-one years, are alone eligible to membership. [c.24, 27, 31, 35, s.5853]

Sec. 5854 Vacancies. Vacancies in the board shall be filled by appointment by the mayor, by and with the approval of the city council, such appointees to fill out the unexpired term for which the appointment is made. [c.24, 27, 31, 35, s.5854.]

Sec. 5855 **"Vacancy" defined.** The removal of any trustee permanently from the city, or his absence from six consecutive regular meetings of the board, except in case of sickness or temporary absence from the city, without due explanation of absence, shall render his office as trustee vacant. [*Ibid* s.5855.]

Sec. 5856. **Compensation.** Members of said board shall receive no compensation for their services [*Ibid* s 5856.]

Sec 5857. **Joint libraries.** In cities and incorporated towns where a college or university is located, it shall be lawful for the city or town and such institution of learning to jointly establish and maintain a public library for their mutual benefit upon such terms and conditions as regards maintenance, control, appointment of library trustees, and other incidents of joint control as may in any lawful manner be mutually agreed upon between them ; but no city or town may undertake to contribute toward the maintenance more than the amount produced by a rate of taxation therefor allowed by law, and no person shall be appointed or confirmed as library trustee other than such having the qualifications required by law [*Ibid* s.5857]

Sec 5858 **Powers.** Said board of library trustees shall have and exercise the following powers :

(1) To meet and organize by the election of one of their number as president of the board, and by the election of a secretary and such other officers as the board may deem necessary

(2) To have charge, control, and supervision of the public library, its appurtenances and fixtures, and rooms containing the same, directing and controlling all the affairs of such library

(3) To employ a librarian, such assistants and employees as may be necessary for the proper management of said library, and fix their compensation, but, prior to such employment, the compensation of such librarian, assistants, and employees shall be fixed for the term of employment by a majority of the members of said board voting in favor thereof.

(4) To remove such librarian, assistants, or employees by a vote of two-thirds of such board for misdemeanor, incompetency, or inattention to the duties of such employment

(5) To select and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, furniture, fixtures, stationery, and supplies for such library

(6) To authorize the use of such libraries by nonresidents of such cities and towns and to fix charges therefor

(7) To make and adopt, amend, modify, or repeal by-laws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such library and the business of said board, fixing and enforcing penalties for the violation thereof

(8) To have exclusive control of the expenditures of all taxes levied for library purposes as provided by law, and of the expenditure of all moneys

available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library fund including fines and rentals collected under the rules of the board of trustees.

Said board shall keep a record of its proceedings. [c.24, 31, 35, s.5858.]

Sec. 5859 Power to contract. Contracts may be made between the board of trustees of any free public library and any city, town, school corporation, township, or county for its use by their respective residents. Townships and counties may enter into such contracts, but may only contract for the residents outside of cities and towns. Such contract by a county shall supersede all contracts between the library trustees and townships or school corporations outside of cities and towns. [c 24, 27, 31, 35, s 5859]

Sec 5860 Method of use. Such use shall be accomplished by one or more of the following methods in whole or in part.

(1) By lending the books of such library to such residents on the same terms and conditions as to residents of the city or town in which said library is situated

(2) By the establishment of depositories of books of such library to be loaned to such residents at stated times and places

(3) By transportation of books of such library by wagon or other conveyance for lending the same to such residents at stated times and places.

(4) By the establishment of branch libraries for lending books to such residents [c 24, 27, 31, 35, s 5860.]

Sec 5861 Rate of tax. Such contracts shall provide for the rate of tax to be levied during the period thereof, and shall remain in force until terminated by a majority vote of the electors of such school corporation, civil township, county, city, or town voting on the proposition at such election. [Ibid s 5861]

Sec 5862 Township tax. The board of trustees of any township which has entered into such a contract shall at the April meeting levy a tax not exceeding one-fourth mill on the dollar on all taxable property in the township to create a fund to fulfill its obligation under the contract [c 24, 27, 31, 35, s 5862]

Sec. 5863 County tax. The board of supervisors, after it makes such contract, shall levy annually on the taxable property of the county outside of cities and towns, a tax of not more than one-fourth mill to create a fund to fulfill its obligation under the contract [c 24, 27, 31, 35, s.5863]

Sec 5864 Uniting with historical associations. Whenever a local county historical association shall be formed in any county having a free public library, the trustees of such library are hereby authorized to unite with such historical association and to set apart the necessary room and to care for such articles as may come into the possession of said association; said trustees are also authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their

judgment of a historical and educational nature and pay for the same out of the library fund. [c.24, 27, 31, 35, s.5864.]

Sec. 5865. Fund; treasurer. All moneys received and set apart for the maintenance of such library shall be deposited in the treasury of such city or town to the credit of the library fund, and shall be kept by the treasurer separate and apart from all other moneys, and paid out upon the orders of the board of trustees signed by its president and secretary.

Provided that in any city or incorporated town where a free public library is maintained jointly by the city or town and an institution of learning, for the support and maintenance of which both the city and the institution of learning contribute, the library trustees may elect a library treasurer therefor, and it shall be the duty of the city treasurer to pay over to said library treasurer any and all library taxes that may be collected by him monthly. [c.24, 27, 31, 35, s.5865.]

Sec. 5866 Report. The board of trustees shall, immediately after the close of each municipal fiscal year, make to the council a report containing a statement of the condition of the library, the number of books added thereto, the number circulated, the number not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof during such year, together with such further information as it may deem important. [c.24, 27, 31, 35, s.5866]

Sec. 6197 Libraries. In any city or town in which a free library has been established, the board of library trustees may condemn real estate in the name of the city or town for the location of library buildings and branch libraries, and for the purpose of enlarging the grounds thereof. [c.24, 27, 31, 35, s.6197]

Sec. 6210. Agricultural lands. No land included within the limits of any city or town which shall not have been laid off into lots of ten acres or less, or which shall not subsequently be divided into parcels of ten acres or less by the extension of streets and alleys, and which shall also in good faith be occupied and used for agricultural or horticultural purposes, shall be taxable for any city or town purpose, except that said lands and all personal property necessary to the use and cultivation of said agricultural or horticultural lands shall be liable to taxation for city and town road purposes, at not exceeding one and one-fourth mills, and for library purposes. [c.24, 27, 31, 35, s.6210.]

Sec. 6211. Taxes for particular purposes. Any city or town shall have power to levy annually the following special taxes

* * * * *

(19) **Library fund.** When a free public library has been established, not exceeding one and one-fourth ($1\frac{1}{4}$) mills in all cities and towns having a population of more than thirty-five thousand (35,000), and not exceeding two (2) mills in cities having less than thirty-five thousand (35,000). [As amended by ch.219, s 1, Laws of 1941.]

(20) **Library building fund.** When the establishment of a public library has been authorized, not exceeding three-fourths mill, which shall be used only to purchase real estate and to erect thereon a building or buildings for a public library or to pay the interest on any indebtedness incurred for that purpose and to create a sinking fund for the extinguishment of such indebtedness. Provided the levy for said purposes may be not to exceed one and one-half ($1\frac{1}{2}$) mills in any city of more than ten thousand (10,000) population and less than seventy-five thousand (75,000) population, and having situated therein a state owned educational institution with a regular attendance of more than three thousand students, and also a state commission regularly employing more than one hundred heads of families. When a library building has been fully completed and paid for, no further levy shall be made for that purpose, but may be made for the purpose of providing funds for improvements and repairs and to pay rental for space leased by the board of library trustees for the establishment and operation of branch libraries and stations in districts where no branch library buildings have been acquired or erected by said municipality. Any balance remaining in the building fund may be transferred to the maintenance fund. [G A , ch 171, s 2]

(21) **Library contract fund.** When a public library has not been established, not exceeding one-fourth mill, which shall be used only to secure for the inhabitants of the city or town the free use of a public library. When a majority of the resident taxpayers petition the council in writing to secure such privilege, the council shall offer to contract therefor with the designated library [c 24, 27, 31, 35, s 6211.]

Sec. 6239. **Purposes.** Cities and towns when authorized to acquire the following named public utilities and other improvements may incur indebtedness for the purpose of:

* * * * *

(6) Of erecting a building or buildings for a public library. [c.24, 27, 31, 35, s 6239.]

Sec. 6241. **Election required.** No such indebtedness shall be incurred until authorized by an election. [c 24, 27, 31, 35, s 6241]

Sec. 6572. **Library trustees.** (Commission governed cities.) The board of library trustees in all cities organized under the commission form of government shall consist of five members (except in cities which have heretofore maintained a library under lease or contract fixing a different number of trustees) and said board shall have and exercise all the powers possessed by library boards in cities not organized and acting under this chapter. [c 24, 27, 31, 35, s 6572]

Sec. 6573. **How selected; terms.** (Commission governed cities.) The said board of five trustees shall be selected as follows. At the first meeting of the council, or as soon as practicable thereafter, the mayor shall appoint,

hy and with the approval of the council, five library trustees, one to serve for a period of five years, one for four years, one for three years, one for two years, and one for one year, and until their successors are elected and qualified. Upon the election of said five trustees the term of the existing board of nine trustees heretofore acting under the general law shall cease. Annually thereafter there shall be elected in like manner one trustee to serve for five years and to take the place of the trustee whose term first expires. [c 24, 27, 31, 35, s 6573.]

Sec 6651. **Appointments by council.** The council shall, at the first meeting after its members are elected, appoint * * * the members of the library board, as the terms of office of the members of said board shall expire. * * * [c 24, 27, 31, 35, s 6651.]

Sec. 6764 **Public libraries.** The law relative to public libraries in cities organized under the general law apply to special charter cities. [c 24, 27, 31, 35, s 6764.]

Sec. 6856 **Special levies.** They (the council) shall have power to levy annually the following taxes for special purposes

* * * * *

(6) **Library tax.** In cities which have established, or may establish, a free public library, a tax as provided in section 6211, subsections 19 and 20 [c 24, 27, 31, 35, s 6856]

F. TOWNSHIP LIBRARIES

(Iowa Code, 1939, p 922, s 5559)

Sec 5559 **Gifts and donations.** Civil townships are hereby authorized and empowered to receive by gift, devise, or bequest, money or property for the purpose of establishing and maintaining libraries, township halls, cemeteries, or for any other public purpose All such gifts, devises, or bequests shall be effectual only when accepted by resolution of the board of trustees of such township [c 24, 27, 31, 35, s 5559]

G. SCHOOL LIBRARIES

(Iowa Code, 1939, p 718, s 4322-4328)

Sec. 4322 **Library fund.** The auditor of each county in this state shall withhold annually from the money received from the semi-annual apportionment of the interest of the permanent school fund for the several school districts for the purchase of books, as hereinafter provided. [As am. by ch 163, s 1, Laws of 1941]

Sec 4323 **Purchase of books; distribution.** Between the first Monday of July and the first day of October in each year, the county board of education shall expend all money withheld by the auditor, as provided in section 4322, in the purchase of books for the use of the school district The county board of education may distribute the books thus purchased

to the librarians of the several school districts in the proportion that the number of persons of school age living in the school district bears to the number of such persons living in the county, or may entrust the custody of such books to the county superintendent of schools to be loaned by him to schools of the county in the manner of a circulating library; provided that if the circulating library method is adopted, in whole or in part, any independent district or any consolidated district maintaining a high school shall, upon request of its board of directors, be excluded therefrom and be allowed its distributive share of such books on the basis first above mentioned in this section.

Directors of the school districts having permanent libraries shall, upon approval by the county superintendent of schools, be permitted to make temporary and permanent exchanges of books between school districts or to turn books over to the county superintendent of schools to become a part of the circulating library. The county superintendent shall keep a record of all books in his custody [As am. by ch.164, Laws of 1941]

Sec 4324 **Lists of books.** The state board of educational examiners shall prepare annually lists of books suitable for use in school district libraries, and furnish copies of such lists to each county superintendent and to each member of each county board of education [c 24, 27, 31, 35, s 4324]

Sec 4325 **Record of books.** It shall be the duty of each secretary to keep in a record book, furnished by the board of directors, a complete record of the books purchased and distributed by him [c 24, 27, 31, 35, s 4324]

Sec 4326 **Librarian.** Unless the board of directors shall elect some other person, the secretary in independent districts and director in subdistricts in school townships shall act as librarian and shall receive and have the care and custody of the books, and shall loan them to teachers, pupils, and other residents of the district, in accordance with the rules and regulations prescribed by the state board of educational examiners and board of directors. Each librarian shall keep a complete record of the books in a record book furnished by the board of directors [c 24, 27, 31, 35, s 4326.]

Sec 4327 **Custody of library** During the periods that the school is in session the library shall be placed in the schoolhouse, and the teacher shall be responsible to the district for its proper care and protection

Sec 4328 **Board to supervise.** The board of directors shall have supervision of all books, and shall make an equitable distribution thereof among the schools of the corporation [c 24, 27, 31, 35, s 4328]

H. PROTECTION OF LIBRARY PROPERTY

(Iowa Code, 1939, p 1947, s 13095)

Sec. 13095. **Injury to public library books or property** Any person who shall wilfully, maliciously, or wantonly tear, deface, mutilate, injure,

or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to any public library or reading room shall be deemed guilty of a misdemeanor and shall be fined not more than one hundred dollars, or imprisoned not more than thirty days. [c.24, 27, 31, 35, s.13095.]

I. TAX EXEMPTION

(Iowa Code, 1939, p.1174-1175, 1235, s 6944 [8], 6944 [10], 7308 [3])

KANSAS

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A. STATE LIBRARIES

(1) MANAGEMENT OF STATE LIBRARY

(Kansas Gen Stats, 1935, p 1910-1911, s 75-2501 to 75-2506, 75-2509 to 75-2514, 75-2518 to 75-2521, G S 1939 Suppl p 413, s 75-3127, 75-3128a)

Sec 75-2501 **Directors** That the justices of the supreme court by virtue of their office shall be the directors of the state library. [R.S. 1923, s.75-2501.]

Sec. 75-2502. **Rules and regulations.** The directors shall make such rules and regulations not inconsistent with this act as may be necessary for the proper care and management of the library [R.S. 1923, s.75-2502.]

Sec. 75-2503 **Books, pamphlets, maps and charts.** The books, pamphlets, maps and charts belonging to the state, now in the state library, or which shall hereafter be added to the same, shall constitute the state library. [R.S. 1923, s.75-2503.]

Sec. 75-2504. Register of books issued and returned. The librarian shall cause to be kept a register of all books issued and returned, at the time they shall be so issued and returned; and none of the books, except the laws, journals and reports of this state, which may be taken from the library shall be detained more than ten days, and all the books taken out by officers or members of the legislature shall be returned at the close of the session [R S. 1923, s.75-2504.]

Sec 75-2505. Injuring or failing to return books; action to recover. If any person injure, or fail to return, any book taken from the library he shall pay to the librarian, for the use of the library, double the value thereof, or of the set to which it belongs if the set is broken by its loss, which sum may be recovered in an action in the name of the state in any court of competent jurisdiction. [Laws 1931, ch 290, s 1]

Sec. 75-2506 Biennial report of librarian. On or before January 1, 1933, and biennially thereafter, the librarian shall make a report to the directors of the library which will cover the two-year period ending June 30 prior to the making of the report, which shall show the condition of the library at the end of the period reported and the receipts and expenditures for each of the fiscal years covered by the report, and the books or other documents received by the library within the time covered by the report, with a statement of how they have been listed or catalogued in the library [L 1931, ch 290, s 2]

Sec 75-2509. Penalty for unlawfully taking books. If any person not authorized by this act shall take a book from the library, either with or without the consent of the librarian, he shall on conviction thereof be fined in any sum not less than ten nor more than fifty dollars for every book so taken [L 1870, ch 112, s 14]

Sec. 75-2510. Exchanges with other states and governments. The duty of carrying on the exchange of books and documents with other states and governments of the United States, and of foreign countries, and with societies and institutions, now performed by the secretary of state, is hereby transferred to the librarian, who from time to time shall procure from said states, governments, societies and institutions, their documents, laws, judicial decisions and publications by exchanging those of this state for them [L.1871, ch 143, s 2]

Sec. 75-2511. Same; duty of secretary of state. To enable the librarian to make these exchanges the secretary of state is hereby required to deliver to the librarian, as soon as published, sufficient copies of all laws, documents and journals to enable the librarian to supply such exchanges and to fill such other requests as are authorized by law. [L 1931, ch 290, s 3]

Sec. 75-2512. Expenses of library. For the purpose of defraying the expenses of exchanging, expressage, freight, postage and incidental expenses of the library, there shall be appropriated annually, to the librarian, such sum as shall be necessary. [R.S 1923, s.75-2512.]

Sec. 75-2513. Duplicate volumes or sets; exchange or sale. The librarian, under the direction of the directors, shall exchange or sell duplicate volumes or sets of works, and apply the proceeds to the purchase of other books. [R.S.1923, s.75-2513]

Sec. 75-2514. Publication and distribution of catalog. The state librarian shall during the calendar year 1931, prepare for publication a complete catalogue of the state library, five thousand copies of which shall be printed by the state printer and delivered to the librarian for distribution, and the librarian shall deliver one copy thereof to each of the state officers and to each attorney at law within the state, and shall also deliver a copy to such county officers, high school librarians and other citizens of the state as may apply to the library for it [L 1931, ch 290, s 4]

Sec 75-2518 Duties of librarian or assistant. The librarian shall be in attendance, in person or by his assistant, during the hours the library is to be kept open, and shall perform the duties imposed on him by law, or prescribed by the rules and regulations of the directors [L.1873, ch.136, s 6: R S 1923, s.75-2518]

Sec 75-2519 Labeling and cataloging books. The librarian shall cause each book, pamphlet and document received by the state library to be properly stamped with the words "Kansas State Library" and to be classified and catalogued in accordance with approved library methods [L.1931, ch 390, s 5]

Sec 6 That original sections 75-2505, 75-2506, 75-2507, 75-2508, 75-2511, 75-2514, 75-2515, 75-2516, 75-2517, and 75-2519 of the Revised Statutes of Kansas of 1923 be and the same are hereby repealed [L 1931, ch 290, s 6]

Sec 75-2520 Books taken and not returned by members of legislature; duties of librarian and state auditor. The librarian shall, five days before the close of the constitutional term of the legislature, report to the state auditor the names of all members of the legislature who have not returned books taken from the library, with the name and value of said books, and the auditor shall not audit the accounts of such members until he shall have the certificate of the librarian that the books have been returned or paid for. [R S 1923, s 75-2520]

Sec 75-2521 Vacancy in office of librarian; removal. When a vacancy shall occur in the office of librarian, by death, resignation, removal from office, or by expiration of term of service, the governor shall appoint and commission the person the directors shall recommend to fill said vacancy; and the librarian may at any time be removed upon the request of all of the directors [R S 1923, s 75-2521]

Sec. 75-3127 Librarian. The state librarian shall receive an annual salary of three thousand dollars [L.1937, ch 334, s 6.]

Sec. 75-3128a. Assistants and employees. That the state librarian is hereby authorized to appoint an assistant librarian, who shall receive an annual salary of two thousand dollars; one reference librarian, at an annual salary of one thousand eight hundred dollars; two assistants in the catalogue department at an annual salary of one thousand five hundred dollars each; one assistant in the reference department at an annual salary of one thousand two hundred dollars; one assistant in the law department at an annual salary of ten hundred and eighty dollars; one assistant in the law department at an annual salary of two thousand one hundred dollars; one general clerk at an annual salary of one thousand five hundred dollars; and a janitor-porter, who shall receive an annual salary of one thousand dollars [L.1937, ch 335, s.1]

(2) STORMONT MEDICAL LIBRARY

(Kansas Gen Stats, 1935, p 1912, s 75-2525 to 75-2529.)

Sec. 75-2525. Stormont medical library. The gift of Mrs Jane C. Stormont of Topeka, Kansas, widow of the late Dr David W. Stormont, generously presenting to the state of Kansas the sum of five thousand dollars in money for the purpose of establishing and maintaining a medical library for the use and benefit of the state of Kansas, and particularly the medical profession thereof, is hereby accepted for the uses and purposes, and subject to all the terms, conditions and limitations mentioned and expressed in such gift, to wit That no part of said principal sum shall ever be expended for any purpose, but that the same shall be invested and reinvested, as the state of Kansas may by law direct, for the benefit of said library fund, and the interest and accumulations thereof shall be expended in the purchase of books, charts and magazines relating to the science of medicine and surgery, which shall be purchased from time to time by such person, board or officer of the state of Kansas as may be provided by law, such purchase to be recommended by the library committee of the Kansas medical society, or such committee as such society may designate. If such society shall fail or neglect to appoint such committee, then such purchase shall be made under the direction of such person, board, or officer as may be authorized by law. Such purchase is to constitute a part of the library of the state of Kansas, and known and designated as "The Stormont medical library," and shall be kept and maintained with the state library in the state capitol building, and shall be forever free for the people of Kansas, and particularly for the medical profession thereof, under such rules and regulations as may from time to time be prescribed by the directors or officers having charge of the state library. [R.S. 1923, s 75-2525.]

Sec. 75-2526 Same; perpetual endowment fund. The treasurer of the state of Kansas is hereby directed to accept and receipt for the said sum of five thousand dollars donated by Mrs Jane C Stormont, and place the same upon the records of his office to the credit of "The Stormont medical

library fund," which sum shall constitute a "perpetual endowment fund" for the purposes named in the foregoing section and for no other purpose. [R.S. 1923, s.75-2526.]

Sec. 75-2527. Same; investment of funds. The school-fund commissioners are hereby directed to invest, and from time to time reinvest said endowment fund and its unexpended accumulations in some safe interest-paying security, and from time to time pay over to the state treasurer the accumulations thereof. [R.S.1923, s.75-2527.]

Sec. 75-2528 Same; disbursements: For the purpose of enabling said state school-fund commissioners to invest and reinvest said endowment fund and its unexpended accumulations, the state treasurer is directed from time to time to pay the same out upon warrants drawn by said commissioners, and said state treasurer is also directed to pay out from time to time, upon warrants drawn by the state librarian, from the interest and accumulations of said endowment fund, sufficient money to pay for such books, charts and magazines as may from time to time be purchased by the state library committee, or by such person, board or officer as may be authorized by law; and so much of the accumulations of said sum of five thousand dollars as may be necessary for the purchase of such medical books, charts and magazines is hereby appropriated for that purpose, and the said sum of five thousand dollars and its unexpended accumulations is hereby appropriated for investment as herein provided. [R S.1923, s.75-2528]

Sec 75-2529. Same; rules for use of books. The state librarian is hereby directed to receive and care for in the state library all medical books, charts and magazines that may be purchased under the provisions of this act, subject to such rules as to the use thereof as may be from time to time formulated by the library committee of the Kansas medical society, by and with the consent and approval of the state librarian, which books, charts and magazines are to form a distinct department of the state library, and shall be known as the "Stormont medical library." The state librarian is also directed to accept on behalf of the state, and to care for in the same manner, any and all other medical books, charts and magazines that may be donated to the state by Mrs Jane C Stormont or by any other person or body, as a part of the Stormont medical library [R S.1923, s.75-2529.]

(3) REVISOR OF STATUTES

(Kansas Gen Stats, 1939 Suppl. p 423, s 77-301)

77-301. Appointment; qualification; salary; compensation as legislative council secretary; assistant, salary; stenographer, salary; legislative assistants, salaries; rooms. There is hereby created the office of revisor of statutes, which shall consist of a revisor, who shall be a regularly admitted attorney, to be appointed by the supreme court and receive a salary of three thousand dollars per year and such additional compensation for his services as secretary of the legislative council as such council may allow,

one assistant, who shall be a regularly admitted attorney to be appointed by the revisor, with the consent of the court, who shall receive a salary of two thousand four hundred dollars per year, and one stenographer to be appointed by the revisor, who shall receive a salary of one thousand four hundred twenty-five dollars per year. The revisor may employ two competent assistants during the legislative session for the purpose of bill drafting, who shall receive salaries of not to exceed two hundred twelve dollars and fifty cents per month. The state librarian may assign any employee in the state library for work in the revision department, upon the request of the revisor. The department shall be maintained in rooms furnished by the state library and the material in the state library shall be available for the use of the revisor [L 1939, ch 316, s 1]

B. TRAVELING LIBRARIES COMMISSION

(Kansas Gen Stats, 1935, p 1913, s 75-2601 to 75-2605; *Ibid* 1939 Suppl p 413, s 75-3130)

Sec 75-2601 **Appointment; terms.** That the directors of the state library be and they are hereby authorized and empowered to appoint three persons, who together with the state librarian and the president of the Kansas state social science federation of clubs shall constitute a board to be known as the "Kansas traveling libraries commission," of which the state librarian shall be ex officio chairman. The length of the term of office of the appointive members of such commission shall be for three years and until their successors are appointed and qualified, the first term beginning on the first day of July, 1899, but of the three appointed in the first instance one shall be appointed for one year, one for two years, and the third for three years, and thereafter one member shall be appointed each year [L 1889, ch 163, s 1, R S 1923, s 75-2601]

Sec 75-2602 **Per diem and expenses of members.** That each member of the Kansas traveling libraries commission who does not reside in the city of Topeka, Kansas, shall receive three dollars per day for each day actually consumed in attendance upon the meetings of the commission, which said meetings shall not exceed four in any one year, and traveling and actual necessary expenses while attending meetings [R S 1923, s 75-2602]

Sec 75-2603 **Management of traveling library department of the state library.** That the Kansas traveling libraries commission shall have the management of the traveling library department of the state library, shall make such rules for the government of such department and the use of the books and other property thereof as they may deem necessary, and, under such regulations as they may prescribe, they may send out temporarily from the miscellaneous department of the state library such books (not including reference books or other books inappropriate for such purposes) as may be designated for that purpose by the directors of the state library and any books specially given to or bought for such traveling libraries to

any library in the state, or to any community or organization not yet having an established library but which has conformed to the conditions of said regulations of said commission, and such books, when so sent out to such library, community, or organization, shall be there kept for the use of the public, subject to such reasonable regulations with reference thereto as may be adopted by said commission. And said commission shall from time to time so send out and distribute such books throughout the state, and at suitable intervals change such distribution, in such manner as to secure to the greatest practicable degree the use and enjoyment of such books to the people of the entire state. Said commission shall be entitled to receive the assistance of the assistant librarian of the state library who is in charge of the miscellaneous department of the state library [L.1899, ch 163, s 2, R.S.1923, s 75-2603.]

Sec. 75-2604. Acceptance of Aplington art gallery. That the state of Kansas accepts the proffer made by the Kansas federation of woman's clubs, and takes the collection of carbon photographic reproductions of the world's famous paintings for circulation amongst and for the use of the people of the state. Provided, That the collection shall be marked and known as "The Aplington art gallery" [R S 1923, s 75-2604.]

Sec. 75-2605 Same; direction and control. That the Aplington art gallery is hereby constituted a part of the Kansas traveling libraries, and is placed under the direction and control of the Kansas traveling libraries commission, with the same powers, duties and restrictions as are provided for the care, circulation and distribution of books belonging to the Kansas traveling libraries by chapter 163, Laws of 1899 [R S 1923, s.75-2605.]

Sec. 75-3130 Secretary; assistant; cataloguer. The Kansas traveling libraries commission is hereby authorized to appoint a secretary, who shall receive an annual salary of one thousand eight hundred dollars; an assistant secretary, who shall receive an annual salary of one thousand two hundred dollars, and a cataloguer, who shall receive an annual salary of one thousand five hundred dollars [L 1937, ch 329.]

C. STATE HISTORICAL SOCIETY

(Kansas Gen Stats., 1935, p 1913-1915, s 75-2701 to 75-2707, s 75-2709 to 75-2712, G S 1939 Suppl p 410, 414, s 75-2708, 75-3148.)

Sec. 75-2701 State historical society as a trustee of state; regulations; board of directors. That the state historical society, heretofore organized under the incorporation laws of the state, shall be the trustee of the state, and as such shall faithfully expend and apply all money received from the state to the uses and purposes directed by law, and shall hold all its present and future collections of property for the state, and shall not sell, mortgage, transfer or dispose of in any manner or remove from the capitol any article thereof, or part of the same, without authority of law; Provided, This shall not prevent the sale or exchange of any duplicates that the society

may have or obtain. There shall continue to be a board of directors of said society, to consist of as many members as the society shall determine, and who shall have the same powers as the present board of directors. [R.S. 1923, s.75-2701.]

Sec. 75-2702. General duties of society; biennial report; rooms open for reception of citizens without fee; expenditures. It shall be the duty of the society to collect books, maps, and other papers and materials illustrative of the history of Kansas in particular, and the west generally; to procure from the early pioneers narratives of events relative to the early settlement of Kansas, and to the early explorations, Indian occupancy and overland travel in the territory and the west; to procure facts and statements relative to the history and conduct of our Indian tribes; and to gather all information calculated to exhibit faithfully the antiquities and the past and present condition, resources and progress of the state; to purchase books to supply deficiencies in the various departments of its collections, and to procure by gift and exchange such scientific and historical reports of the legislatures of other states, of railroads, reports of geological and other scientific surveys, and such other books, maps, charts and materials as will facilitate the investigation of historical, scientific, social, educational and literary subjects, and to cause the same to be properly bound; to catalogue the collections of said society for the more convenient reference of all persons who may have occasion to consult the same; to biennially prepare for publication a report of its collections and such other matters relating to its transactions as may be useful to the public; and to keep its collections arranged in suitable and convenient rooms, to be provided and furnished by the secretary of state, as the board of directors shall determine, the rooms of the society to be open at all reasonable hours on business days for the reception of the citizens of this state who may wish to visit the same, without fee. Provided, That no expenditure shall be made under this act or expense incurred except in pursuance of specific appropriations therefor, and no officer of said society shall pledge the credit of the state in excess of such appropriations. [R.S. 1923, s.75-2702.]

Sec. 75-2703. Biennial report of expenditures; state publications for exchange purposes; publications in state library not to be duplicated. The board of directors shall keep a correct account of the expenditure of all money which may be appropriated in aid of the society, and report biennially to the governor a detailed statement of such expenditure. To enable the society to augment its collections, by effecting exchanges with other societies and institutions, sixty bound copies each of the several publications of the state, and of its societies and institutions, except the reports of the supreme court and the statutes and session laws, shall be and the same are hereby donated to said society as they shall be issued—the same to be delivered to the society by the secretary of state or other officer having custody of the same—to include also for deposit in its collections one set of all the publications

of the state heretofore issued, including the supreme court reports, but not including the statutes and session laws. The society shall not expend its resources in procuring duplicates of such publications as may be in the state library. [R.S. 1923, s.75-2703]

Sec. 75-2704. Taking of documents or records from building; custody of collections; duplicates. The secretary of the state historical society is hereby prohibited from permitting or allowing any of the files, documents or records of said society to be taken away from the building where its office and rooms are or shall be located: Provided, That the secretary in person, or by any duly authorized deputy, clerk or employee of his office, may take any of said files, documents or records away from said building for use as evidence or for literary or historical purposes, the same to be kept while so away in the personal custody of said secretary, deputy, clerk or employee: Provided further, That this shall not prevent the sale or exchange of any duplicates that said society may have or obtain [R S 1923, s.75-2704.]

Sec. 75-2705. Certified copy of document as evidence. A copy of any file, document or record in the custody of said society, duly certified by the secretary under the seal of the society, may be received in evidence with the same effect as the original. [R.S. 1923, s.75-2705]

Sec. 75-2706. Material turned over by public officials, when; certified copies as evidence. That any state, county or other official is hereby authorized and empowered to turn over to the Kansas state historical society for permanent preservation therein, any books, records, documents, original papers, or manuscripts, newspaper files and printed books not required by law to be kept in such office as a part of the public records three years after the current use of the same, or sooner in the discretion of the head of the department When so surrendered, copies therefrom shall be made and certified by the secretary of the historical society upon the application of any party interested, which certification shall have all the force and effect as if made by the officer originally in custody of them [R S. 1923, s 75-2706.]

Sec. 75-2707 Reference catalog. That the state historical society is hereby required to make a reference catalogue to the manuscripts, books and papers so surrendered. [R S 1923, s 75-2707]

Sec. 75-2708. Custody, control and management of memorial hall. The executive council shall assume and be vested with the same custody, control and management of said memorial hall it exercises over the state capitol, except as hereinafter provided; and it shall provide heat and light for said building and shall cause the Grand Army of the Republic, department of Kansas, the American Legion, department of Kansas, and the Kansas state historical society, to be permanently located therein, and shall adopt such reasonable rules and regulations for the use and custody of said memorial hall, as it may see fit. Said executive council is hereby authorized to transfer to said memorial hall, the academy of science, the Goss collection, and such other libraries, museums, portraits, statuary and collections as it may see

fit, and the executive council shall provide for the furniture and furnishing of said memorial hall: *Provided*, That the second floor of said memorial hall shall be given over exclusively to the use, custody and control of the Grand Army of the Republic, department of Kansas, and the department commander, together with his executive council, shall constitute and be a board of managers, for the taking care of and managing said second story, said Grand Army of the Republic, department of Kansas, to have control of the second floor of said building, so long as such Grand Army of the Republic, department of Kansas, is an organization in the state of Kansas, and when said organization lapses, then the care, custody and control of said second floor shall be assumed by and vested in the executive council of the state of Kansas, the same as the rest of the building. Said second floor of said memorial hall shall be used for no purpose other than that designated by the Grand Army of the Republic, department of Kansas, through its commander and executive council; all expenses of taking care of and managing said second story shall be paid by the state [L. 1939, ch 300, s 1]

Sec. 75-2709 Same; second floor. That part of the second floor of said memorial building now being used and occupied by the state historical society for the use of its books and stacks shall be and remain in the charge and control of the executive council of the state of Kansas [R S 1923, s 75-2709.]

75-2710 Same; Goss collection; curator abolished. That the Goss collection be placed under the control and custody of the secretary of the state historical society, and that the position of curator heretofore held and administered by one of the state's employees be and the same is hereby vacated and abolished [L 1915, ch 23, s.1; R S 1923, s 75-2710]

75-2711 Acceptance and control of Pike's Pawnee Indian village. Laws 1901, chapter 40, included by reference. [Accepted donation from Elizabeth A. and George Johnson, of site of Pike's Pawnee Indian village, in Republic county, provided for the control of the same by Kansas state historical society, and made an appropriation to fence and mark the site R. S. 1923, s 75-2711]

75-2712. Final report of Memorial hall building commission. Laws 1919, chapter 18, section 1, included by reference. [Provided for the filing of a final report and the transfer of control of Memorial hall from the Memorial hall building commission to the executive council. R S. 1923, s 75-2712]

Sec 75-3148 Salary of secretary; research directors; assistants and clerks. The secretary of the state historical society shall receive an annual salary of two thousand nine hundred seventy dollars. He is hereby authorized to appoint a librarian, who shall receive an annual salary of one thousand eight hundred dollars; a newspaper clerk, who shall receive an annual salary of two thousand dollars; a research director, who shall receive an annual salary of two thousand four hundred dollars; a clerk of archives, who shall receive an annual salary of one thousand eight hundred dollars,

two cataloguers, each of whom shall receive an annual salary of one thousand five hundred dollars; an accountant, who shall be a stenographer, who shall receive an annual salary of one thousand and five hundred dollars; a clerk and curator in museum, who shall receive an annual salary of one thousand five hundred dollars; a cataloguer in the archives department, who shall receive an annual salary of one thousand four hundred dollars; and a clerk in the clipping service, who shall receive an annual salary of one thousand two hundred dollars. [L.1939, ch 303, s 1.]

D. STATE PENITENTIARY LIBRARY

(Kansas Gen Stats, 1935, p 1984, s 76-2417)

Sec. 76-2417 **Chaplain and librarian; duties.** The chaplain shall have charge of the spiritual wants and condition of the convicts. He shall preach to the convicts at least once every Sabbath himself, unless prevented by sickness, in which case he shall furnish a regularly ordained preacher. He shall be the librarian of the penitentiary, and shall have charge of the books and the distribution and management thereof, and shall devote his whole time to the intellectual and moral improvement of the convicts [L. 1891, ch.152, s 19]

E. DISTRIBUTION OF PUBLIC DOCUMENTS

(1) STATE COURT REPORTS

(Kansas Gen Stats, 1935, p 535-536, 1912, 1913, s 20-207, 20-208a, 20-209 to 20-214, 75-2522 to 75-2524a, 75-2532, Laws 1941, p 317-318, s 20-208)

Sec 20-207 **Delivery of court reports to librarian.** The state printer shall hereafter deliver the whole number of copies of reports of the supreme court required to be published to the state librarian as soon as completed; and when the whole edition of any volume shall be so delivered, the librarian shall certify that fact to the secretary of state, who shall thereupon ascertain the amount due the state printer therefor, and audit and certify the same to the auditor of state for payment [L 1889, ch.247, s 3; R.S 1923, s 20-207.]

Sec. 20-208. The State librarian shall, when the reports of the decisions of the supreme court are delivered, use as many thereof as may be necessary to keep up the exchanges of the state of Kansas with the other states, territories, countries, societies and institutions as now required by law. He shall also mark for the state library fourteen copies, one of which he shall place in each of the supreme judges' rooms, one in the judges' consultation room, one in the supreme court room, one in the attorney general's room, two he shall keep in the library for public use, and two he shall set apart for the use of the two judiciary committees of the legislature. He shall deliver one copy to each of the following officers. The justices of the supreme court, the auditor of the state, the governor, the attorney general, the secretary of state, the clerk of the supreme court, the treasurer of state, the superintendent of public instruction, the superintendent of insurance,

the state corporation commission, the attorney for the state corporation commission, the library of the state university, the library of the state normal school, the western branch of the state normal, at Hays, and the manual training school, at Pittsburg, the library of the state agricultural college, the board of control; to the reporter of the supreme court, two copies. He shall place two copies in the library of congress, to complete the copyright for said reports, and deliver to the secretary of state one copy for each organized county of the state, which shall be by him delivered to the clerks of the district courts of said counties. The librarian shall not distribute any reports to any others or for any other purpose, but shall be responsible for the remaining volumes of said reports, which, including reports now in the hands of the librarian as well as such as are hereafter delivered to him, shall be sold by him at two dollars per volume. The directors of the state library shall have authority to order printed such additional copies of the reports of the supreme court as in their judgment will be necessary to supply the demand upon the state librarian for the same. It shall be the duty of the state printer, under the direction of the directors of the state library, to make and preserve for future use proofs, matrices or plates of all volumes of the reports of the supreme court and such other publications as the directors may designate. The state printer shall not make or permit to be made any proofs, matrices or plates or impressions of any book published by the state except for the use of the state, as herein provided, and all proofs, matrices or plates so made for any book published for the state shall be the exclusive property of the state [L. 1941, p 317-318, ch 206]

Sec 20-208a Delivery of reports to university school of law and United States district courts of Topeka and Wichita. The directors of the state library are authorized to direct the state librarian to deliver to the law library of the school of law of the university of Kansas, at Lawrence, for the maintenance of its sets of Kansas reports, and for exchange purposes, seventy-five copies of each volume of the reports of the decisions of the supreme court, as they are published, or, in lieu of any part thereof or of any copies heretofore delivered under the authority of chapter 263 of the Session Laws of Kansas of 1925, a proportionate number of any hitherto published supreme court reports; and the directors of the state library are further authorized to direct the state librarian to deliver to the clerk of the United States district court of the district of Kansas, at its office in Topeka, one copy each of volumes 1 to 101, both inclusive, of the reports of the decisions of the supreme court of Kansas, to be used in the chambers of said court in Wichita and also five copies of each volume of such reports hereafter published and the advance sheets thereto [L. 1931, ch.169, s 1; March 18]

Sec. 20-209. Delivery of reports to judges of district courts. In addition to the distribution of the reports of the supreme court of the state of Kansas, as now provided by law, the state librarian is hereby authorized and directed to deliver one copy of each of said reports, as issued, to each of the judges

of the district courts of Kansas: *Provided*, That if any district judge shall certify to the state librarian that the Kansas reports used by him have been unavoidably destroyed by fire, or otherwise, the state librarian shall deliver a complete set of said reports to such judge. [L. 1929, ch.161, s.1.]

Sec. 20-210. Exchange of reports; exchange rate. The state librarian by and with the advice and consent of the justices of the supreme court, is hereby authorized to exchange the surplus volumes of the supreme courts reports of this state, beginning with volume 40 and including all subsequent volumes of such reports now issued or hereafter to be issued that may be remaining in the state library after distribution has been made of such reports as provided by law, for other law books and legal publications, for the use of the state library, each volume of such supreme court reports so exchanged to be rated at two dollars and twenty-five cents per volume. [L. 1909, ch.117, s.2; R.S. 1923, s.20-210.]

Sec. 20-211. Advance sheets; distribution and sale; withholding opinions. The directors of the state library shall have authority to order monthly advance sheets of the reports of the supreme court to be printed for distribution and temporary use until the reports themselves are issued. Upon such order it shall be the duty of the reporter, as soon as possible after they are filed each month, to prepare for publication, and of the state printer immediately thereafter to print, the syllabi and decisions of the court in the same form the permanent report will bear, but upon inexpensive paper, the decisions for each month to constitute a single number, and to be bound in paper. The number of copies of each monthly issue shall be specified in the order. When issued they shall be delivered to the state librarian, to be disposed of as follows. Place two copies in the state library and one in the supreme court room for public use, deliver one copy to each of the justices of the supreme court, one copy to each of the judges of the district courts, one copy to the attorney general, one copy to the attorney for the public utilities commission. The remaining copies he shall sell at fifty cents per number: *Provided*, however, He may sell subscriptions to the advance sheets and permanent report together for the sum of two dollars, to be paid in advance: *Provided further*, That he may furnish advance sheets with the bound volumes of the permanent report in connection with exchanges for books, at the same price as provided in section 20-210. Upon order of the court any opinion may be withheld from publication in the advance sheets until such time as it may designate. [L. 1909, ch.117, s.3; R.S. 1923, s.20-211.]

Sec. 20-212. Sale of courts of appeals reports. The state librarian is authorized and directed to sell the Kansas courts of appeals reports now in his hands at one dollar per volume. [L. 1905, ch 497, s 3; R.S. 1923, s.20-212.]

Sec. 20-213. Disposition of moneys from sale of reports. All moneys arising from the sale of reports of the supreme court, and all moneys hereafter paid in on such account, shall be turned into the state treasury to be credited to the general fund. [L. 1889, ch.247, s.5; R.S. 1923, s.20-213.]

Sec 20-214 State librarian's biennial report. It shall be the duty of the librarian to state in his biennial report the number of each volume of the supreme court reports on hand and belonging to the state at the time of closing his preceding report, the number since sold or exchanged, the amount received therefor, the number of books, pamphlets, reports and other documents purchased for the library during the past two years, and the cost of each [L 1889, ch 247, s 6; R S 1923, s 20-214]

Sec 75-2522. Court reports to Washburn college school of law and St. Benedict's college. The state librarian is hereby authorized and directed to deliver to the libraries of the schools of law of Washburn college, at Topeka, in the county of Shawnee, and St Benedict's college, at Atchison, Kan., each one set of the reports of the supreme court and one set of the reports of the Kansas court of appeals, together with Dassel's Digest, and to supply the said library additional volumes of the supreme court reports as they are published [L 1905, ch 485, s 1, R S 1923, s 75-2522]

Sec. 75-2523. Court reports for law library association of Wyandotte county. The state librarian is hereby authorized and directed to deliver to the Carnegie law library association of Wyandotte county, one set of the reports of the supreme court and one set of the Kansas court of appeals, together with Dassel's Digest, and to supply to said association additional volumes of the supreme court reports as they are published [L. 1903, ch 403, s 1, R S 1923, s 75-2523]

Sec 75-2524 Court reports for board of administration. The state librarian is hereby authorized and directed to deliver to the board of administration for use in its office, one set of reports of the supreme court and one set of the reports of the Kansas court of appeals, and supply to the said board additional volumes of the supreme court reports as they are published. [L. 1907, ch 384, s.1; R S 1923, s 75-2524]

Sec. 75-2524a. Court reports for banking department. The state librarian is hereby authorized and directed to deliver to the state banking department, for use in its office, one copy each of volumes 1 to 119, both inclusive, of the reports of the decisions of the supreme court of Kansas, and one set of the reports of the Kansas court of appeals, and also one copy of each volume of such reports, hereafter published and the advance sheets thereto [L 1933, ch 294, s.1.]

Sec 75-2532 Reports for department of labor and industry. Laws 1917, chapter 318, included by reference [Required state librarian to furnish the department of labor and industry set of reports of supreme court and reports of court of appeals R S 1923, s.75-2532]

(2) STATE PUBLICATIONS

(Kansas Gen Stats, 1935, p 1084, 1085, 1889, 1996, s.45-106, 45-108, 75-1023, 77-115, *Ibid* 1939 Suppl p 423, s 77-124.)

Sec 45-106 Disposition of session laws by secretary of state and offi-

cers receiving the same. The secretary of state shall dispose of the laws passed at each session of the legislature, immediately after their publication, as follows: *First.* He shall deposit thirty copies thereof in the state library, to be preserved therein, and such number of copies as will enable the librarian to make exchanges with the libraries of the several states and territories, allowing two copies to each state or territory . . . *Fifth.* Clothbound copies of the laws passed at each session of the legislature, shall be deposited with the state librarian and he is hereby authorized to furnish one copy to each public and high school library in the state of Kansas, when said library through its managing officer makes written application to the state librarian for the same [L. 1915, ch.341, s 2, R.S. 1923, s 45-106]

Sec. 45-108 Distribution of legislative journals; exchanges by state librarian. The secretary of state shall dispose of the journals of each session of the legislature, immediately after publication in volumes, as follows: One copy to each state officer and member and officer of the legislature; one copy to the library of congress; two copies to the clerk of the board of county commissioners of each county, to be preserved in his office; and thirty copies to state library, to be preserved therein; and a sufficient number to enable the librarian to make exchanges with the several states and territories, allowing one copy to each state or territory, the remainder of the journals to be safely kept by secretary of state for the new counties as they shall become entitled to receive the same [G S 1868, ch 56, s 8, L. 1886, ch 123, s 3; R.S. 1923, s 45-108]

Sec 75-1023 Extra copies of certain publications; distribution. That the state printer, upon printing any of the publications of the state and of its societies and institutions, shall print an extra one hundred and thirty copies thereof, and shall deliver sixty copies thereof to the state historical society, sixty copies to the state library, to be used by said state historical society and said state library in making exchanges with other states, libraries, societies and institutions for similar publications, and shall deliver two copies thereof to each of the following named libraries, to wit the library of the university of Kansas, the library of Kansas state agricultural college, Kansas state teachers college of Hays, the Kansas state teachers college of Pittsburg, and the library of Kansas state teachers college of Emporia. In case any publication is issued in both bound and unbound form, bound copies shall be supplied. Provided, That this act shall not apply to the reports of the supreme court of the state of Kansas, or to the statutes or session laws. [R.S. 1923, s.75-1023.]

Sec 77-115 Distribution and sale of revised statutes of 1923. The secretary of state is hereby instructed to dispose of said statutes immediately upon their being printed and delivered, as follows: *First,* he shall deposit one hundred copies thereof in the state library, for the purpose of exchanges, and after such exchanges have been made the balance of said one hundred copies to be retained in the state library for use therein, and the secretary

of state shall retain one copy for use in his office. Second, he shall distribute one copy thereof to each member of the legislature and other state officers for use in their offices, and one copy to each justice of the supreme court and to the clerk thereof, one copy to each member of the commission to revise the General Statutes, one copy to each district judge, sixty copies to the law department of the state university for the purpose of exchanging with other states and territories, and all copies not so exchanged shall be kept in the library for the use of the faculty and students of the state university; and one copy shall be supplied to each of the other state educational, penal and charitable institutions, and five copies to the clerk of the district court of the United States for the state of Kansas, also four copies to each county clerk, one of which said county clerk shall deliver to the probate court, one to the clerk of the district court, one to the county attorney, and he shall retain one copy in his office for the use of the county commissioners. Third, the balance of said statutes, after such distribution, shall be safely kept by the secretary of state for sale at the price of twelve dollars per copy [L. 1923, ch 146, § 4, R.S. 1923, § 77-115.]

Sec 77-124 Distribution and sale of General Statutes of 1935. Ten thousand copies of said general statutes, corresponding in size of page and style of binding with the Revised Statutes of 1923 and 1933 Supplement thereto shall be printed by the state printer and delivered to the secretary of state, who shall dispose of them as follows.

First, He shall deposit one hundred and fifty copies thereof in the state library for the purpose of exchange, and after such exchanges have been made the balance of said one hundred and fifty copies to be retained in the state library for use therein, and the secretary of state shall retain one copy for his use in his office.

Second, He shall distribute two copies thereof to each member of the legislature and other elective and appointive state officers who are heads of departments for use in their offices, and one copy to each justice of the supreme court and to the clerk and to the court reporter thereof, five copies to the revisor of statutes for use in his department, one copy to each district judge, five copies to Washburn college school of law, sixty copies to the law department of the state university for the purpose of exchanging with other states and territories, and all copies not so exchanged shall be kept in the library for the use of faculty and students of the state university, and one copy shall be supplied to each of the other state educational, penal and charitable institutions, and five copies to the clerk of the district court of the United States for the state of Kansas; also, eight copies to each county clerk, one of which said county clerk shall deliver to the probate court, one to the clerk of the district court, one to the county attorney, one to the county superintendent, one to the register of deeds, one to the sheriff, one to the county treasurer, and he shall retain one copy in his office for the use of the county commissioners and one copy shall be supplied to the judge

of the city court in the cities having a city court, provided that cities having more than one division of the city court that the judge of each division receive one copy; one copy shall be supplied to each city of the third class, one copy to each city of the second class, and two copies to each city of the first class, upon application of the city clerk under the seal of the city, such copies to be sent to the city by express collect; Provided, Secretary of state shall refund to all cities the money paid for such copies prior to the passage of this act, and the auditor of state is hereby authorized to draw warrants on the state treasurer in payment thereof

Third, the balance of said statute books, after such distribution, shall be safely kept by the secretary of state for sale at the price of seven dollars and fifty cents per copy [L 1937, ch 354, s.1]

(3) WYANDOTTE CONSTITUTIONAL CONVENTION PROCEEDINGS

(Kansas Laws, 1919, p 44, ch 317)

(4) DISPOSAL OF OBSOLETE PAPERS, DOCUMENTS, ETC

(Kansas Gen Stats , 1939 Suppl p 409, s 75-2214 to 75-2218)

75-2214 Disposal of certain obsolete papers, documents, records, files, session laws or statute books All elective state officers and heads of state departments are hereby authorized and directed in the manner as provided in this act, to dispose of obsolete papers, documents, records, files, session laws or statute books which, prior to January 1, 1929, were stored in the basement of the state capitol building [L 1939, ch 307, s.1]

75-2215. Same; special committee; meetings; rules and regulations; chairman; report to legislature. There is hereby created a special committee, consisting of the attorney general, state accountant and state auditor. Such committee is hereby authorized and directed to supervise the disposal of such obsolete papers, documents, records, files, session laws and statute books in the manner as provided in this act. The committee shall meet within sixty days after this act takes effect and prepare rules and regulations for the disposal of such obsolete papers, documents, records, files, session laws and statute books and shall send a copy of such rules and regulations to each state officer and department head affected by this act. The committee shall select one of its members to act as chairman and shall hold meetings from time to time upon call of the chairman. The committee shall make a formal report to the legislature [L. 1939 ch 307, s 2]

75-2216 Same; report to executive council; notice and hearing. Before any such obsolete papers, documents, records, files, session laws or statute books are disposed of, such committee shall present a written report to the state executive council, which report shall consist of the recommendations of the committee and of the various state officers and departments having records stored in the basement of the state capitol. Within fifteen days after the presentation of such report, the executive council shall set a time for a

hearing and give written notice to each state officer and department affected, and all such state officers and departments shall be given an opportunity to be heard and to present additional recommendations concerning the disposal of any such obsolete papers, documents, records, files, session laws or statute books. [L. 1939, ch.307, s.3.]

75-2217 Same; rights of state librarian and secretary of state historical society. Before any session laws or statute books shall be marked for disposal or destroyed, the state librarian and the secretary of the state historical society shall be given an opportunity to select and keep any and all such session laws or statute books. Before any papers, documents, records or files shall be marked for disposal or destruction, the secretary of the state historical society shall be given an opportunity to select and keep any and all such papers, documents, record or files. [L. 1939, ch 307, s 4.]

75-2218. Same; report by executive council to special committee; disposal or destruction; disposition of moneys. The executive council shall report to the special committee created by this act within thirty days after the date of the hearing provided in section 3 (75-2216) of this act The decision of the executive council shall be final, and thereupon such obsolete papers, documents, records, files, session laws or statute books shall be marked for disposal or destruction and disposed of or destroyed under the rules and regulations prescribed by the special committee created by this act The proceeds, if any, realized from such disposal, shall be paid into the state treasury, from which the necessary and reasonable expenses shall be paid The residue, if any, shall be transferred to the state general fund [L. 1939, ch.307, s 5.]

F. COUNTY LIBRARIES

(Kansas Gen Stats, 1935, p 503-504, s 19-1701 to 19-1712, Laws 1941, p 619, s 79-1947)

19-1701 Establishment; petition; election; tax levy; what property taxed. That the board of county commissioners of any county shall have the power to establish and maintain a county free public library, or to contract for the use of a public library already established, for the use of the inhabitants of said county, and for such purposes may levy a tax of not more than one-half mill on the dollar annually, to be levied and collected in the same manner as other taxes in said county and to be known as the county library fund: *Provided*, That before establishing such county free library, or upon the written petition of 10 per cent of the taxpayers of said county, the board of county commissioners at the next general election, shall submit to the voters of the county resident in cities or townships not already maintaining a public library by public tax the proposition to establish and maintain a county free public library; and if a majority of the voters voting thereon shall authorize the establishment and maintenance of such county library, the board of county commissioners shall proceed to establish a

county free public library as prescribed in this act and to levy annually thereafter a county library tax as specified in this act: *Provided further*, That when any board of county commissioners makes a levy for a county library, it shall omit from such levy all property within the limits of any city or township in such county which already maintains a library, unless such city or township by formal action of its library board and its governing body, shall have given notice that it desires to participate in the county library and to pay the same county library tax as other parts of the county pay. [L. 1921, ch.152, s 1; May 25; R S. 1923, s.19-1701.]

19-1702. Free use of library. That every county library and reading room supported by a public tax under the provisions of this act shall be forever free to the use of the inhabitants of the county maintaining such library, subject always to such reasonable regulations as may be adopted to render such library of the greatest use to the inhabitants of said county; further, the service of the county library shall be reasonably and freely accessible to all parts of said county. [L. 1921, ch 152, s 2; May 25, R S 1923, s.19-1702]

19-1703 Library board; appointment; term; vacancies. That when the voters of any county shall have voted to establish and maintain a county free public library under the provisions of section 1 (19-1701), the board of county commissioners shall appoint a county library board of three members, no one of whom shall be a member of the board of county commissioners, one for a term of one year, one for a term of two years, and one for a term of three years, from the first day of January following their appointment, and thereafter the board of county commissioners shall appoint annually before January 1, one director to serve for a term of three years from the first day of January following his appointment or until his successor shall have been appointed and qualified; and the board of county commissioners shall have the power to fill for the unexpired term any vacancy that may occur in the county library board. No director shall receive any pay or compensation for any services rendered as a member of the county library board, and such directors shall give bond as the board of county commissioners may require. *Provided*, That every director of the county library board shall receive from the funds of the county library his actual and necessary expenses incurred in attending meetings of the board [L. 1921, ch.152, s.3, May 25; R.S. 1923, s 19-1703.]

19-1704 Officers of board; powers; meetings; rules and regulations; tax levies; moneys. That immediately after their appointment the directors of the county free public library shall meet and organize by electing from their number a president, secretary, and such other officers as may be necessary. Two members of the county library board shall constitute a quorum for the transaction of business. The county library board shall make and adopt such bylaws, rules and regulations for its own guidance and for the government of the library and reading rooms and book-distribution

services as it may deem expedient, not inconsistent with this act. Annually, on or before the first day of July, it shall certify to the board of county commissioners the amount of county library levy deemed necessary for the year beginning on the first day of January following, and the board of county commissioners shall levy the county library tax within the maximum provided by this act. The county library board shall have exclusive control of the expenditures of all moneys collected or donated to the credit of the county library fund, of the renting and construction of any library building or buildings, of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and of all books, apparatus and supplies belonging thereto [L 1921, ch 152, s.4; May 25; R S. 1923, s 19-1704]

19-1705 Contracts for library service. That the board of directors of a county free public library constituted under the provisions of this act may contract with any existing city or township public library within said county or in an adjacent county or with the county free public library of an adjacent county, for the furnishing of library service to the inhabitants of said county to the extent and upon such terms as may be agreed upon. It may also contract to furnish library services to the free public library of any city or township in said county or in an adjacent county, or to any school district in an adjacent county or to the county free public library of an adjacent county, to the extent and upon such terms as may be agreed upon [L 1921, ch.152, s 5, May 25, R S 1923, s 19-1705]

19-1706 Library funds; vouchers. That all the taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of a county free public library established under the provisions of this act shall be kept for the use of the county library, separate and apart from all other funds of the county, and shall be drawn upon and paid out by the treasurer of said county upon vouchers signed by the president of the county library board and authenticated by the secretary of such board, and shall not be used or disbursed for any other purpose or in any other manner [L.1921, ch 152, s 6, May 25, R S 1923, s 19-1706]

19-1707 Buildings and grounds; librarian and assistants, appointment. That any county library board created under the provisions of this act shall have power to purchase or lease grounds, to erect, lease, or occupy appropriate buildings for the use of such library, to appoint a suitable librarian and assistants as may be necessary, and to remove its appointees at pleasure [L 1921, ch 152, s 7, May 25, R S 1923, s 19-1707]

19-1708. Duties of librarian. That a librarian of a county library established under the provisions of this act shall administer the library and its branches in accordance with approved library practice and under the supervision and general authority of the county library board, as provided in this act, shall advise the county library board in the selection and purchase of books and supplies and other library property, shall make a report to the

county library board, on January 15 of each year, of the conditions and use of the library for the calendar year ending December 31; with the approval of the county library board, shall attend state and district library meetings, and shall receive actual and necessary expenses for such purposes; and shall perform such other duties as may be assigned by the county library board [L 1921, ch 152, s 8; May 25, R S. 1923, s.19-1703]

19-1709 Annual report of board. That the county library board shall on or before the first Monday in February in each year, make a report to the board of county commissioners of the conditions of their trust on the first day of January preceding, showing all moneys received or expended, the number of books and periodicals acquired by purchase, gift or otherwise during the calendar year, the number lost or missing, and the number on hand, the number and character of books issued or loaned; with such other statistics, information and suggestions as it may deem of general interest or as the board of county commissioners may require, which report shall be verified by affidavit of the proper officers of such county library board [L 1921, ch 152, s 9, May 25, R S 1923, s.19-1704]

19-1710 Donations. That any person may make donation of money, lands or other property for the benefit of any county free public library and the title to property so donated may be made to and shall vest in the county library board of such county and their successors in office, and the county library board shall become the owners thereof in trust to the users of the county free public library [L 1921, ch 152, s 10; May 25; R S. 1923, s 19-1705]

19-1711 Exemption from taxation. That the property of a county free public library established under the provisions of this act shall be exempt from taxation as is other public property [L 1921, ch 152, s 11; May 25, R S 1923, s 19-1706]

19-1712 Circulating library; fee for outside use, when; free use of such private collections. That the county library board shall have power to authorize any circulating library, reading matter or work of art belonging to any private person, association or corporation, or loaned by any public library or institution to be deposited in the library rooms, and to be drawn or used outside of the rooms only on payment of such fee or membership as the person, corporation, association or institution owning the same may require Deposits of such material may be removed by the owner thereof at pleasure, but the books or other reading matter so deposited in the rooms of such county library shall be separately and distinctly marked and kept upon shelves apart from the books of the county library, and all such property so deposited in any county library, while so placed or remaining shall be subject to use and reading without charge within the library rooms by any person who is an inhabitant of such county or entitled to the use of such library [L 1921, ch 152, s 11, May 25, R S 1923, s 19-1707]

Sec. 79-1947. Limit for sundry county purposes; limit on aggregate levy

for all county purposes. The authority of the board of county commissioners of each of the several counties to fix a rate of levy annually for the following county purposes is hereby limited as follows * * *

Library: Establish and maintain, as authorized by section 19-1701 of the General Statutes of 1935 or any amendments thereto..... .50 mill * * *.

G. TOWNSHIP LIBRARIES

(Kansas Gen Stats, 1935, p 2112, s.80-801 to 80-803; Laws 1941, p 635, s 79-1962)

Sec. 80-801 Establishment; petition; election; tax levy, limitation. That upon the written petition of fifty taxpayers of any township having more than one thousand inhabitants as shown by the last preceding assessor's return to the board of county commissioners, said board shall cause to be submitted to the legal voters of such township at the first annual election thereafter, or, if the petition so request, at a special election to be called for that purpose, the question of the establishment and maintenance of a free library and reading room by such township, and if a majority of the votes cast at such election shall be in favor of the establishment and maintenance of such library and reading room, the township board of such township shall annually thereafter levy a tax of not to exceed three mills on the dollar on all the taxable property in such township, such tax to be collected as other township taxes, and to be known as the "library fund." [L 1889, ch.169, s 1.]

Sec. 80-802. Powers of township board. The township board of any township that shall have decided to establish and maintain a library and reading room under this act shall have exclusive control of the expenditure of all money collected to the credit of the "library fund", they shall have charge of the construction of any library building, and the supervision, care and custody of the premises used for that purpose. Said board shall have power to purchase or lease grounds, to occupy, lease or erect buildings for the use of said library, to purchase such books, magazines and papers as they may deem advisable, to appoint a librarian and necessary assistants, and fix their salaries, and shall have power to remove appointees, and in general to carry out the spirit and intent of this act [L 1889, ch.169, s.3]

Sec. 80-803 Free to inhabitants; rules and regulations. Every library and reading room established under this act shall be free to the inhabitants of the township wherein it is located, subject always to such reasonable rules and regulations as the township board may adopt. [L 1889, ch.169, s 4.]

Sec. 79-1962 Township boards; limit on levy for township purposes. That the governing body of any township is hereby authorized and empowered to levy taxes in each year for township purposes, but said governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of such township in excess of the following-named rates * * *

Establishment and maintenance of free library and reading room.... 1.00

mill * * *. Provided, That such rates are not intended to, and shall not be construed to apply to any township not specifically authorized by law to make such levy. * * * [L.1941, p 635, ch 370.]

H. MUNICIPAL LIBRARIES

(1) GENERAL PROVISIONS

(Kansas Gen Stats., 1935, p 151-153, s 12-1202 to 12-1213; Laws 1941, p 158, 164, s 12-1201, 12-1701, 12-1702)

Sec. 12-1201. **Establishment; tax levy.** That upon the written petition of twenty-five per cent of the resident taxpayers of any city presented to the governing body thereof, such governing body shall cause to be submitted to the legal voters of such city, at the first city election thereafter, or, if the petition so requests, at a special election to be called for that purpose, the question of the establishment and maintenance of a free public library and reading room by such city; and if a majority of the votes cast at such election on such proposition shall be in favor of the establishment and maintenance of such library and reading room, the governing body shall annually thereafter levy a tax in such sum as may be by resolution of the directors of the free library designated, not to exceed one mill on the dollar on all taxable property in such city subject to tax, to be levied and collected in a like manner with the other taxes of said city and to be known as the library fund: Provided, That in cities having a population of more than forty thousand (40,000) and less than one hundred twenty thousand (120,000), the annual tax levy herein provided shall not exceed one-half mill on the dollar of all taxable property in such city, that in cities having a population of more than one hundred twenty thousand (120,000) population, the annual tax levy herein provided shall not exceed one-fourth of one mill on the dollar of all taxable property in such city: that in cities having a population of more than one hundred thousand (100,000) which are located in counties having an assessed tangible valuation of more than one hundred fifty million dollars (\$150,000,000), the annual tax levy herein provided shall not exceed three-fourths of one mill on the dollar of all taxable property in such city [Laws 1941, ch 106, p.158]

Sec 12-1202. **Board of directors; appointment.** When any city shall have decided to establish and maintain a public library and reading room under this act, the mayor of said city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the residents of such city at large with reference to their fitness for such office. The mayor of said city shall be ex officio one of said board of directors, but no other person holding any official position under the city shall be appointed a director while holding such office. No director shall receive compensation [L 1913, ch 80, s.2]

Sec. 12-1203. **Members of board; term; removal; vacancies.** Said directors shall hold office, two for one year, two for two, two for three years, and

two for four years, from the first of February following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first day of February of each year, appoint as before two directors to take the place of the retiring directors, who shall hold office for four years and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty. Vacancies in the board of directors occasioned by removals, resignations or otherwise, shall be reported to the mayor and city council, and be filled in like manner as original appointments [L. 1913, ch 80, s.3]

Sec 12-1204 Organization of board; rules and regulations; powers and duties; librarian and assistants, compensation; moneys. Said directors shall, immediately after their appointment, meet and organize by the election of one of their number president, and the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient, not inconsistent with this act. They shall have charge of the construction of any library building, and the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose. Said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of said library, to purchase such books, magazines, papers, etc., as shall in their judgment be advisable, and shall have power to appoint a suitable librarian, and necessary assistants, and fix their compensation, and shall also have power to remove such appointees, and in general carry out the spirit and intent of this act, in establishing and maintaining a public library and reading room. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the "library fund," which fund shall be kept in the treasury of such city, to the credit of such fund, and shall be kept separate and apart from other funds, and drawn upon by the said board of directors or its proper officer [L. 1886, ch 72, s 4.]

Sec 12-1205 Use of library; regulations. Every library and reading room established under this act shall be forever free to the use of the inhabitants of the city where located, subject always to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules, and said board may extend the privileges and use of such library and reading room to persons residing outside of such city in this state, upon such terms and conditions as said board may from time to time by its regulations prescribe. [L. 1886, ch 72, s 5.]

Sec 12-1206 Annual report of board of directors. The said board of

directors shall, on or before the 15th of January of each year, make an annual report to the governing body, stating the condition of their trust on the 31st day of December of the year next preceding, the various sums of money received from the "library fund," and from other sources, and how such moneys have been expended, and for what purposes, the number of books and periodicals on hand, the number added by purchase, gift or otherwise during the year, the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest. Such report shall be verified by affidavit of the president and secretary [L 1886, ch.72, s 6]

Sec. 12-1207 Penalties as to library property authorized. The governing body of such city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury to such library building, or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library [L 1886, ch 72, s.7]

Sec 12-1208 Donations to library. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the said board shall be held and considered to be special trustee [L.1886, ch 72, s 8.]

Sec 12-1209 Transfer to board of property of library association; reversion; reconveyance to city; selection of members of library board by association. That whenever any library association organized under any law of this state, and owning any real or personal property in this state, shall desire to sell, lease, donate or transfer either said real estate or personal property, or both, absolutely or with conditions, to the board of directors of any free public library organized under this act, such donation and transfer may be made in the manner following, to wit The directors of such association shall secure the written consent of the owners of more than two-thirds of the capital stock of such association, providing capital stock has been subscribed or issued therein, or the written consent of the owners of more than two-thirds in value of the property of said association, providing no stock has ever been subscribed or issued, and upon such consent the president and secretary of said association shall be and are hereby authorized and empowered to execute any and all necessary deeds, leases, bills of sale, or other instruments in writing, to carry out the object and intent of the stockholders or associates, which, when duly executed, shall be sufficient to pass to the board of directors of such free public library the legal and equitable title of said association in and to the real estate, or personal property, or both, in said instrument described and set forth, subject to the conditions therein named. In case of the donation by any

library association of its real estate, or personal property, or both, to the directors of any free public library created under this act, it shall be stipulated as one of the conditions of such donation and transfer, that in the event of said free public library not being maintained and operated for the benefit of the public for a period of three consecutive months, then and in that case all of the real estate, or personal property, or both, which was donated to the directors of said free public library, as well as all personal property, improvements or real estate which may have been added to or acquired during the control of said library by the directors created under this act, shall revert to and become the property of the association from whom such donation or transfer was originally made: Provided, That in case real estate has been purchased by the said city, and in case buildings have been erected during its control of said library, and in the event of the reversion to the association as above provided, and the failure to maintain and operate a free public library by said association in said building or buildings for a period of six consecutive months, the governing body shall have the right to enforce a reconveyance to the said city of such real estate and buildings by said association; or in the event of the reversion to the association as above provided, and in case said association desires to cease operating a free public library, and desires to dispose of its property before a six-months failure as above provided, then said governing body shall have the right to demand and receive from said association, by its proper officers, a conveyance to said city of such real estate and buildings as have been heretofore purchased or erected by said city. In case of the transfer by lease of all the property of the association, or in case of the transfer by donation of only the personal property of any association, then six members of the board of directors of the free public library provided for in this act, to which such property may be leased or donated, shall be appointed from names selected by the said library association, and submitted to the governing body [L 1886, ch 72, s.9]

Sec 12-1210. Public officers as ex officio members of board named by association. In case of the transfer to the board of directors of any free public library created under this act, of the property of any library association created under the laws of this state, and in connection with which association it is provided by any law that certain public officers shall be ex officio directors in said library association, then such public officers shall continue to be ex officio directors of the free public library to which the property of the association has been transferred, and shall be in addition to the thirteen directors heretofore provided for said free public library. [L 1886, ch.72, s 10]

Sec. 12-1211 Treasurer of board; bond. It shall be the duty of the directors of every public library appointed under the provisions of Laws of 1913, chapter 80, section 2 (12-1202), to elect a treasurer of such library board who shall hold office for a term of two years and until his successor is elected and

qualified, and shall give bond, to be approved by the city council of such city, for the safe-keeping and due disbursement of all funds that may come into the hands of such treasurer, in such amount as the said board may direct. [L 1911, ch 78, s.1.]

Sec. 12-1212. City treasurer to pay over funds to library treasurer. It shall be the duty of the city treasurer, upon receiving a certificate signed by the president and secretary of such board of directors, that the person named in said certificate has been duly elected treasurer as heretofore provided and has duly qualified by giving bond to pay over to said treasurer all funds collected for the maintenance of such public library to be by said library treasurer disbursed under the direction of the board of directors as hereinafter provided. [L.1911, ch.78, s.2.]

Sec 12-1213 Duties and functions of library treasurer. Such library treasurer shall pay out the funds of said public library upon orders drawn on such treasurer by the secretary of said board countersigned by the president thereof. Such treasurer shall keep a book in which he shall enter all moneys received and disbursed by him, specifying the person or persons to whom and the object for which the same has been paid out. He shall present to the said board whenever required a statement of all moneys received by him from whatever source and of the disbursements made by him with the items of such disbursements, and attach the vouchers therefor, which record shall be received and filed by the said board. Whenever required by the board he shall settle in full, and hand over to his successor said book and all receipts, vouchers, orders and papers coming into his hands as treasurer, together with all moneys remaining in his hands as such treasurer. [L 1911, ch 78, s.3.]

Sec 12-1701. Erection of library building. Any city may erect and equip a public building for a national guard armory, or for a public auditorium, or for a *public library*, for accommodation of its officers and the transaction of the general business of the city, or for any two or more of these purposes combined and may procure the necessary site therefor, and for the purpose of paying for the erection of such building, equipment and site or any of them, may issue the bonds of said city as hereinafter provided. [L 1941, p.164, ch.112]

Sec 12-1702. Bond issues. Before any bonds are issued under the provisions of this act, there shall be submitted to the qualified electors of the city, at any regular election called for that purpose, the question of whether such bonds (the amount of which shall be stated) shall be issued, and if the majority of those voting on the proposition shall vote in favor thereof, such bonds may be issued: Provided, Whenever the amount of the city's cost of such project does not exceed the amount of bonds which it is then authorized to issue under the provisions of section 39-3a14 of the General Statutes Suppl. of 1939 and amendments thereto, the governing body of such city may, by resolution, issue bonds as therein provided without the necessity

of such an election. Such election shall be called and held, and bonds issued there under in accordance with the provisions of the general bond law. [*Ibid*]

(2) CITIES OF FIRST CLASS

(Kansas Gen Stats, 1935, p 153, 174, 242, 286, 2049-2050, s 12-1214, 13-417, 13-1335, 13-2535, Laws 1941, p 620-635, s 79-1948 to 79-1951)

Sec. 12-1214. **What existing libraries may be made subject to act.** That any city of the first class having a population of less than 80,000 now maintaining a public library or reading room under any law of the state of Kansas, may by resolution duly adopted by its governing body, thereafter maintain such library or reading room under the provisions of Laws of 1886, chapter 72, section 1, and any acts supplementing or amending same, or enacted for the regulation or maintenance of public libraries, and from and after the adoption of such resolution the governing body of such city may levy such taxes and appoint such directors or library boards as are or may be authorized by law, and such libraries shall thereafter be governed and maintained hereunder and under the provisions of said act and acts amending and supplementing same, or acts hereafter adopted for such purpose. [L 1915, ch.122, s.1]

Sec 13-417 **Free public libraries.** [The governing body shall have power]To provide for the maintenance and support of free public libraries, and prescribe all reasonable rules and regulations relating thereto, where said library is not under control of a library board [L. 1903, ch 122, s 37]

Sec. 13-1335 **Grants of property for parks; management.** Real or personal property may be granted, bequeathed, devised and conveyed to the city * * * for the establishment or maintenance in any park of museums, zoological or other gardens, collections of natural history, observatories, *libraries*, monuments or works of art, upon such trusts and conditions as may be prescribed by the grantors or devisors thereof and agreed to by the board of park commissioners All property so devised, granted, bequeathed, or conveyed, and the rents, issues, profits and income thereof, shall be subject to the management and control of said board of park commissioners [L 1907, ch 115, s 36]

13-2535. **Gifts for parks and boulevards.** [Cities having commission form of government]. Real or personal property may be granted, bequeathed, devised and conveyed to the city for the purpose of the improvement or ornamentation of parks, parkways or boulevards, or for parks, or for the establishment or maintenance in any park of museums, zoological or other gardens, collections of natural history, observatories, *libraries*, monuments or works of art upon such trusts and conditions as may be prescribed by the grantors or devisors thereof and agreed to by the board of commissioners All property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof, shall be subject to the

management and control of said board of commissioners [L.1911, ch.79, s 30.]

Sec. 79-1948. Limit in cities of 115,000 or more with less than \$150,000,-000 valuation. The governing body of any city of the first class having a population by the official state census of 115,000 or more and located in a county having assessed tangible valuation of less than \$150,000,000 is hereby authorized and empowered to levy taxes in each year for the following city purposes, but said governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of any such city in excess of the following-named rates * * *

Library..... 0 15 mill * * *.

Provided, That such rates are not intended to, and shall not be construed to apply to any city not specifically authorized by law to make such levy. Provided further, That the aggregate of all city-wide tax levies of such city, except levies for the payment of bonds and interest thereon, * * * is hereby limited to 10 mills on each dollar of assessed tangible valuation of such city * * *

Sec 79-1949 Limit in cities of more than 90,000 with valuation over \$150,000,000. The governing body of any city of the first class having a population by the official state census of more than 90,000 and which is located in a county having an assessed tangible valuation of over \$150,000,-000, is hereby authorized and empowered to levy taxes in each year for the following city purposes, but said governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of any such city in excess of the following-named rates * * *

Library 0 75 mill * * *.

Provided, That such rates are not intended to, and shall not be construed to apply to any city not specifically authorized by law to make such levy, Provided further, That the aggregate of all city-wide tax levies of such city, except levies for the payment of bonds and the interest thereon, and levies for the control and eradication of noxious weeds, is hereby limited to 11 85 mills on each dollar of assessed tangible valuation of such city. * * *

Sec 79-1950 Limit in cities between 60,000 and 90,000. The governing body of any city of the first class having a population by the official state census of more than 60,000 and less than 90,000 is hereby authorized and empowered to levy taxes in each year for the following city purposes, but said governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of any such city in excess of the following-named rates * * *

Library..... 0 50 mill * * *

Provided, That such rates are not intended to, and shall not be construed to apply to any city not specifically authorized by law to make such levy: Provided further, That the aggregate of all city-wide tax levies of such city, except levies for the payment of bonds and interest thereon, and levies for

the control and eradication of noxious weeds, is limited to 10 mills on each dollar of assessed tangible valuation of such city * * *

Sec. 79-1951. Limit in first-class cities below 50,000. The governing body of any city of the first class having a population by the official state census of less than 50,000 is hereby authorized and empowered to levy taxes in each year for the following city purposes, but said governing body shall not fix a rate of levy in one year on each dollar of assessed tangible valuation of any such city in excess of the following-named rates: * * *

Library..... 1.00 mill * * *.
 Provided, That such rates are not intended to, and shall not be construed to apply to any city not specifically authorized by law to make such levy: Provided further, That the aggregate of all city-wide tax levies of such city, except levies for the payment of bonds and interest thereon, and levies for the control and eradication of noxious weeds, is hereby limited to 10 mills on each dollar of assessed tangible valuation of such city * * *

(3) CITIES OF SECOND CLASS

(Kansas Gen Stats, 1935, p 166, 306, s 14-436 to 14-438b, G S 1939 Suppl. p 430, s 79-1952a, Laws 1941, p 239, 246, 627, s 14-1032 to 14-1035, 14-438c, 79-1952)

Sec. 14-436. Libraries. The council may establish and maintain public libraries and reading rooms at the expense of the city. [L 1872, ch 100, s 66]

Sec. 14-437. Library levy in cities having valuation of not over \$3,500,000; election; limitation. That the governing body of any city of the second class, having and maintaining a public library, and having an assessed valuation of property in such city of not more than \$3,500,000 is hereby authorized and empowered to submit at a general or special election to the electors of the city the question of levying a tax for the erection of a public library building in such city. Provided, That the amount raised by such tax shall not exceed \$30,000 and shall be levied annually at a rate not to exceed one and one-half mills on the dollar of such valuation, at such election; if a majority of the votes cast should be for the proposition, the governing body of such city are hereby authorized to erect such building with the money thus produced [L.1923, ch 95, s 1]

Sec. 14-438. Surplus from such levy. That should the fund so produced be more than sufficient for the erection of such building, then the remainder of such fund shall become a part of and be transferred to the library fund of such city [L 1923, ch.95 s.2; June 9; R.S 1923, s.14-1438.]

Sec. 14-438a. Tax levy for erection of public library in certain cities; petition, amount. That the mayor and council, or the mayor and commissioners, of any city of the second class, in any county having a population of not less than 11,000 nor more than 15,000, and such city having and maintaining a public library, and having an assessed valuation of property in such city of not more than \$3,500,000, upon filing of a petition signed by 51 per cent of

the legal voters of said city, with the city clerk, asking therefor, are hereby authorized to levy an annual tax, not to exceed two mills on the dollar of such valuation, for the purpose of creating a fund of \$40,000 for the erection of a public library building in such city, and the mayor and council, or mayor and commissioners, of such city are hereby authorized to erect such building with the money thus produced [L. 1927, ch.141, s.1.]

Sec. 14-438b. Transfer of funds in certain cases. That should the fund so produced be more than sufficient for the erection of such building, then the remainder of such fund shall become a part of and be transferred to the library fund of such city, and there shall be no further levy thereafter. [L. 1929, ch.141, s.2.]

Sec. 14-438c The board of directors of any public library appointed by the governing body of any city of the second class located in a county having a population of not less than 51,000 nor more than 55,000 shall have power to convey lands owned by it, whether used for library purposes or otherwise, by deed signed by its president and secretary. And such conveyance shall be made upon such terms and conditions as may be specified in the resolution authorizing such conveyance. [L. 1941, p.246, ch.167.]

Sec. 79-1952a. Limit in second-class cities; consolidated tax levy under city manager plan. The governing body of any city of the second class is hereby authorized and empowered to levy taxes in each year for the following city purposes, but said governing body shall not fix a rate of levy in any one year on each dollar of assessed valuation of any such city in excess of the following named rates:

Library 1.00 mill

Library Construction and acquisition, as provided by section 14-437 of the Gen Statutes of 1935 1.50 mills

Library: Construction and acquisition, as provided by section 14-438a of the Gen Statutes of 1935 2.00 mills

Provided, That such rates are not intended to, and shall not be construed to apply to any city not specifically authorized by law to make such levy: Provided, That the governing body of cities of the second class situated in counties having a population of more than twenty-nine thousand and less than thirty-two thousand and having an assessed valuation of more than forty million dollars and operating under the city manager plan of government, may levy a consolidated tax for the purposes of general revenue, streets, sewer maintenance, sewage disposal, street lighting and fire departments, which consolidated tax shall not exceed in the aggregate those levies authorized by law and said governing body may apportion the amount raised by such consolidated levy to said funds in accordance with the requirements of its budget: Provided further, That the aggregate levy for all purposes, except bonds and interest thereon, shall not exceed a rate of 9 mills on the dollar on all taxable property of such city. [L. 1937, ch 363, s.1, June 30.]

Sec. 14-1032. Erection of library buildings. Any city of the second class having a population of more than ten thousand and located in a county having an assessed tangible valuation of less than thirty-two million dollars, may erect a public building for the accommodation of its offices and the transaction of the general business of the city or for a public library, or for any two or more of these purposes combined, and may procure the necessary site therefor, and for the purpose of paying for any such building and site the bonds of said city may be issued in an amount not exceeding three percent of the assessed tangible valuation of said city as shown by the last official assessment. [L. 1941, p.239, ch.160.]

Sec. 14-1033. Bonds. Before any bonds shall be issued under the authority of this act, the governing body shall adopt a resolution, by a majority of the council or commissioners declaring that it will be for the best interests of the city that such building, describing the same, be erected, and the amount of bonds deemed necessary to be issued, and requesting the mayor and city clerk to call an election for the purpose of submitting to the legally qualified electors of the city the proposition of the erection and equipping of such building and the issuance of bonds deemed necessary to pay for the same and for the site therefor. After said resolution shall have been adopted the mayor and city clerk shall call an election to be held as provided by law and submit the proposition of the erection and equipping of such building and purchasing a site therefor and the issuance of bonds to pay therefor in an amount to be stated on the ballot, to the legally qualified electors of the city, and if a majority of those voting on the proposition shall vote in favor of said proposition, such building may be erected and such bonds issued.

Sec. 14-1034. Ordinance for bonds. Whenever the governing body of such city shall have been authorized to issue bonds as provided in this act, they shall enact an ordinance providing for the issuance of said bonds so authorized and such bonds shall be issued as provided by law, and the money derived from the sale thereof shall be held as a separate fund to be used only for the purpose for which said bonds were issued. [*Ibid*]

Sec. 14-1035. Act not amendatory. This act shall be supplemental to and not amendatory of any other acts authorizing the construction of public buildings by cities. [*Ibid*]

Sec 79-1952 Limit in second-class cities. The Governing body of any city of the second class is hereby authorized and empowered to levy taxes in each year for the following city purposes, but said governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of any such city in excess of the following-named rates * * *

Library 1 00 mill
* * * Provided, That such rates are not intended to, and shall not be construed to apply to any city not specifically authorized by law to make such levy. Provided further, That the governing bodies of cities of the second

class situated in counties having a population of more than twenty-nine thousand and less than thirty-two thousand and having assessed valuation of more than forty million dollars and operating under the city-manager plan of government, may levy a consolidated tax for the purposes of general revenue, streets, sewer maintenance, sewage disposal, street lighting and fire departments, and said governing body may apportion the amount raised by such consolidated levy to said funds in accordance with the requirements of its adopted budget. Provided further, That the aggregate of all city-wide tax levies of such city, except levies for the payment of bonds and interest thereon, and levies for the control and eradication of noxious weeds, is hereby limited to 9 mills on each dollar of assessed tangible valuation of such city *** [L. 1941, ch.370]

(4) CITIES OF THIRD CLASS

(Kansas Gen Stats, 1935, p 166, 344, s 12-1647, 12-1648, 15-433, 15-434, Laws 1941, p 160, 630, s 12-1646, 79-1953)

Sec. 12-1646. Public buildings; authorization of bonds. Any city of the second or third class may erect a public building for the accomodation of its officers and the transaction of the general business of the city, or for a public library, or for a public auditorium, or for a national guard armory, or for any two or more of these purposes combined, and may procure the necessary site therefor, and for the purpose of paying for any such building and site the bonds of said city may be issued in an amount not exceeding two percent of the assessed valuation of said city as shown by the last official assessment

* * * * *

Provided, That any city of the second class, located in a county having a population of more than fifty thousand and less than sixty thousand and having an assessed tangible valuation of more than seventy-five million dollars, may issue bonds in an amount of not to exceed two thousand dollars for the purpose of purchasing a building for any of the purposes provided in this section. Provided further, The total amount of bonds issued by any city under the provisions of this act shall not exceed in any case the sum of two thousand dollars [L. 1941, ch 108, p 160]

Sec 12-1647. Bond election. Before any bonds shall be issued under the authority of this act, the governing body shall adopt a resolution, by a majority of the council or commissioners, declaring that it will be for the best interests of the city that such building, describing the same, be erected, and the amount of bonds deemed necessary to be issued, and requesting the mayor and city clerk to call an election for the purpose of submitting to the legally qualified electors of the city the proposition of the erection of such building, and the issuance of bonds deemed necessary to pay for the same and for the site therefor. After said resolution shall have been adopted the mayor and city clerk shall call an election to be held as provided by law and submit the proposition of the erection of such

building and purchasing a site therefor and the issuance of bonds to pay therefor in an amount to be stated on the ballot, to the legally qualified electors of the city, and if a majority of those voting on the proposition shall vote in favor of said proposition, such building may be erected and such bonds issued. [R S. 1923, s.12-1647; Dec.27.]

Sec 12-1648. Bond ordinance; use of bond proceeds. Whenever the governing body of any city of the second or third class shall have been authorized to issue bonds as provided in this act, they shall enact an ordinance providing for the issuance of said bonds so authorized and such bonds shall be issued as provided by law, and the money derived from the sale thereof shall be held as a separate fund to be used only for the purpose for which said bonds were issued [L 1917, R.S 1923, s.12-1648; Dec.27.]

Sec 15-433 Rest room and reading room; election; tax levy. That upon the written petition of twenty-five per cent of the taxpayers of any city of the third class presented to the governing body, it shall cause to be submitted to the legal voters of said city at the first city election thereafter or if the petition so requests, a special election to be called for that purpose, the question of the establishment and maintenance of a free rest room and reading room in such city, and if the majority of the votes cast at such election on such proposition shall be in favor thereof the governing body shall annually thereafter levy a tax in such sum as may be by resolution determined, not to exceed four-tenths of a mill on the dollar on all taxable property in such city To be levied and collected in like manner with usual taxes and to be known as the rest room fund [L. 1917, ch 116, s 1, March 24; R S 1923, s 15-433]

Sec. 15-434. Management of rest room. The supervision and management of the said rest room shall be under the control of the governing body of said city [L. 1917, ch 116, s 2; March 24; R S 1923, s 15-434]

Sec 79-1953 Limit in third-class cities. The governing body of any city of the third class is hereby authorized and empowered to levy taxes in each year for the following city purposes, but said governing body shall not fix a rate of levy in any one year on each dollar of assessed tangible valuation of any such city in excess of the following-named rates * * *

Library fund 0.75 mill
* * *. Provided, That such rates are not intended to, and shall not be construed to apply to any city not specifically authorized by law to make such levy. * * * [L 1941, p.630, ch 370]

I. INCORPORATED LIBRARIES

(Kansas Gen Stats , 939 Suppl p.125, s 17-2701)

J. SCHOOL LIBRARIES

(Kansas Gen Stats , 1935, p 1751, 1761-1762, s 72-1024, 72-1501 to 72-1503;
Laws 1941, p 547-548, s.72-5501)

Sec. 72-1024 Care and keeping of property belonging to district; district

library. The district board shall have the care and keeping of the school-house and other property belonging to the district. They shall have power to make such rules and regulations relating to the district library as they may deem proper, and to appoint some suitable person to act as librarian, and to take charge of the school apparatus belonging to the district. [L. 1876, ch.122, art. 4, s.22]

Sec 72-1501 Purchase of books. That the school district board or the board of education of each school district in the state of Kansas shall expend annually from the general funds in its possession, a sum of not less than five dollars, to be used to purchase books for the library, such books to be chosen in accordance with the limitations prescribed in section 1, (72-1502) chapter 261, Session Laws of 1919, and approved by the state superintendent of public instruction. Provided, That in all schools employing more than one teacher the minimum sum so expended shall not be less than five dollars for each teacher employed [L 1925, ch 226, s 1.]

Sec 72-1502 Same; kind of books and journals. That the money so collected shall be used under the direction of the district board for the purchasing of a school-district library, and for no other purpose; and the district board in the purchase of books, shall be confined to works of arithmetic, geography, history, literature, biography, travels, science, and two monthly school journals, one to meet the needs of the primary classes and the other the more advanced and general needs [L.1919, ch.261, s 1.]

Sec 72-1503. Librarian; rules and regulations. The district clerk shall be the librarian, unless the board of directors shall appoint some other competent and suitable person, who shall reside in the district, to perform the duties of that office, and the board shall have power to make such rules and regulations in regard to the management of said library as they shall deem best, and they shall revise and change said rules from time to time as the necessities of the case may require [L. 1876, ch.122, art 8, s 3.]

Sec 72-5501 Unless a different meaning is plainly required by the context, the following words and phrases, as used in this act, shall have the following meanings: (a) "Retirement system" shall mean the state school retirement system (b) "Board" shall mean the state school retirement board of Kansas, created by section 2 of this act * * * (d) "School employees" shall mean persons who have performed or who shall hereafter perform school services as classroom teachers, administrators, supervisors, librarians, nurses, clerks, janitors, or other school service in any of the public common schools, high schools, or junior colleges of the state of Kansas and who are citizens of the United States, and who never have been and who never hereafter shall become members of any organization advocating the overthrow of the government of the United States by force * * * [L 1941, p 547-548, ch 348]

K COUNTY LAW LIBRARIES

(Kansas Gen. Stats, 1935, p.488, s.19-1309a; *Ibid.* 1939 Suppl., p 150, 151, s 19-1308, 19-1311, 19-1312; Laws 1941, p.294, s.19-1309.)

Sec. 19-1308. Registration of attorneys in counties over 50,000; exceptions. That in all counties which now have or which may hereafter have, a population of 50,000 or more, as shown by the census returns of the county assessor for the preceding year, all practicing attorneys at law therein shall register annually with the clerk of the district court in a register which said clerk shall keep for that purpose. The clerk shall enter in such register, the name, age, place of residence, location of office, firm connection, if any, and the date of admission of every such attorney to the bar, and shall specify the date he was licensed to practice law in the state of Kansas. All attorneys at law living within such county, who appear in any court of said county, and all who maintain or work for, or are connected with any firm or individuals maintaining an office in such county, shall register within thirty days from the taking effect of this act and on or before January 15, of each year thereafter: Provided, That this act only become effective when a majority of the members of the bar of any such county shall elect to come under the provisions of this act, and shall not apply in any county where there is located a law library maintained by the state of Kansas. Each attorney shall pay to the said clerk at the time of registering an annual registration fee of \$10 [L 1938, ch 40, s 1.]

Sec 19-1309 Said fees shall be used in the establishing and maintaining of a law library. The judges of the district court ex officio, and two members of the bar to be appointed by said judges for a term of two years, shall be trustees of said library and shall have the management and control thereof, and shall use the fees paid by attorneys for registration, and all other sums donated or provided by law, for the purpose of establishing and maintaining a library in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county. The judges of the district court, members of the bar who reside in said county and who have registered and paid the fee provided for in section 19-1308 of the General Statutes Supplement of 1939 and any amendments thereto, and the judges of all other courts in said county and county officials, shall have the right to use said library free of charge in accordance with the rules and regulations established by the trustees. The clerk of the district court of said county shall be ex officio treasurer of said library and safely keep the funds of said library and disburse them as the trustees, or a majority thereof, shall direct, and shall be liable on his official bond for any failure, refusal or neglect in performing his duties in said particulars. Provided, That in counties having a population of more than 125,000 and having an assessed tangible valuation of more than \$150,000,000 the trustees of said library shall be five in number, two of whom shall be judges of the district court, appointed by all of said judges, and three of whom shall

be members of the bar of said county, selected by the bar association of said county in the manner provided in its bylaws: And provided further, That in counties having a population of more than 125,000 and having an assessed tangible valuation of more than \$150,000,000 the trustees may release said board of county commissioners from the duty to maintain said library in the courthouse or other suitable place, and to establish and maintain said library in some suitable place not provided by the county commissioners, in which case the clerk of the district court shall appoint a deputy in addition to those otherwise provided by law, which said deputy shall act as custodian and librarian of said library, assist said clerk in the performance of the duties of treasurer thereof, perform such other duties not inconsistent with those herein enumerated as said clerk shall direct, and shall be paid a salary out of the county treasury, in equal monthly installments, of \$1,200 per annum. Said trustees shall have the power to rescind said action at any time, in which case it shall become the duty of the county commissioners to establish the said library in the courthouse or any other place provided and maintained by the county [L 1941, p 294-295, ch 190]

Sec 19-1309a Library fee as costs; liability of county and city. The clerk of the district court in all counties where a law library is now or hereafter may be established shall tax in all cases, civil and criminal, including appeals from city, justice of the peace and police courts, a library fee of one dollar. Said fee shall be taxed and collected as other costs in the case. In all civil cases where the plaintiff settles with the defendant, and as part of said settlement said case is dismissed at the cost of the plaintiff or judgment is rendered against plaintiff for costs, but is not paid within ninety days after the entry of said judgment, the defendant shall be liable for said fee, and on motion in said case judgment may be rendered against the defendant for said library fee on which execution may issue. In criminal cases where the case is dismissed by the state, the county shall be liable for said library fee and where appeals from conviction in the city, justice or police courts are dismissed for want of prosecution, or by the defendant, the state or city shall collect said library fee, or upon failure to do so within ninety days after said dismissal, the county in which the library is located or the city in which the police court is located from which said appeal is taken, as the case may be, shall be liable therefor [L 1927, ch 156, s 2]

Sec 19-1311 Registration of attorneys in certain counties between 43,000 and 50,000; fee. That in all counties which now have or which may hereafter have a population of not more than fifty thousand and not less than forty-three thousand as shown by the census returns of the county assessor for the preceding year, and in which county is situated a state teachers college, and in which country there is now maintained by the bar of such county a law library, all practicing attorneys at law therein shall register annually with the clerk of the district court in a register which

said clerk shall keep for that purpose. The clerk shall enter in such register the name, age, place of residence, location of office, firm connection, if any, and the date of admission of every such attorney to the bar, and shall specify the date he was licensed to practice law in the state of Kansas. All attorneys at law living within such county, who appear in any court of said county, and all who maintain or work for, or are connected with any firm or individuals maintaining an office in such county, shall register within thirty days from the taking effect of this act and on or before January fifteenth, of each year thereafter. Each attorney shall pay to the said clerk at the time of registering an annual registration fee of ten dollars and the said clerk shall not file in his office in any matter or action, any pleading or other paper signed by an attorney who has not so registered and paid to said clerk said registration fee, and if any pleadings or other papers signed by an attorney who has not complied with the provisions of this act, are filed by said clerk through his mistake or neglect, then said pleadings or papers so filed shall be stricken from the files of said matter or cause on the motion of the district judge before whom such cause is pending, or on the motion of the attorney for the adverse party, or on the motion of any registered attorney of said county [L. 1939, ch 163, s.1]

Sec 19-1312 Same; fees used for law library; trustees; number; duties; treasurer. Said fees shall be used in maintaining a law library. The judge or judges of the district court ex officio, and two members of the bar to be appointed by said judge or judges for a term of two years, shall be trustees of said library and shall have the management and control thereof, and shall use the fees paid by attorneys for registration and all other sums donated or provided by law, for the purpose of maintaining a library in the court house or other suitable place to be provided and maintained by the county commissioners of such county. The judges of the district court, members of the bar who reside in said county and who have registered and paid the fee provided for in section 1 (19-1311) of this act, and the judges of all other courts in said county and county officials, shall have the right to use said library free of charge in accordance with the rules and regulations established by the trustees. The clerk of the district court of said county shall be ex-officio treasurer of said library and safely keep the funds of said library and disburse them as the trustees, or a majority thereof, shall direct, and shall be liable on his official bond for any failure, refusal or neglect in performing his duties in said particulars [L. 1939, ch 163, s.2]

L. COUNTY MEDICAL LIBRARIES

(Kansas Gen Stats, 1935, p 519, s 19-2227)

Sec 19-2227 Annual fees; county medical library fund. The county clerk of said county shall enter the name of every licensed physician and surgeon in a book kept for that purpose, and shall collect from every physician and surgeon for issuing said license, a fee of ten dollars annually;

said county clerk shall pay all fees collected under this act to the county treasurer, who shall keep said moneys in a separate and distinct fund to be known and designated as the "county medical library fund," and said moneys shall be expended and used by the board of county commissioners of said county for a medical library in said county, which medical library shall be maintained at the courthouse, or elsewhere, as may be designated by said board of county commissioners, and be available for public use. [L 1925, ch.204, s 2]

M. TAX EXEMPTION

(Kansas Gen Stats, 1935, p 2005, s 79-201)

N. CITY DENTAL LIBRARIES

(Kansas Laws 1941, p 224-225, s 13-913 to 13-916)

Sec 13-913. In all cities having a population of more than one hundred fifteen thousand and located in a county having an assessed tangible valuation of less than one hundred fifty million dollars every dentist residing therein, and every nonresident dentist who has an office or intends to practice in said city, shall, annually, between the first and twentieth days of December in each year, present his license issued under the provisions of sections 65-1401, 65-1402 and 65-1404 of the General Statutes of 1935 and amendments thereto, to the clerk of said city, and said city clerk shall thereupon issue to said dentist a license attesting that said person is duly recorded as a dentist in said city for a period expiring on December thirty-first of the year subsequent to the time when said dentist presents his license for recording: Provided, That should any dentist for any reason present his license after the month of December in any year, the licenses issued by the city clerk shall expire on December thirty-first, next ensuing [L 1941, p.224-225]

Sec 13-914 The city clerk of said city shall enter the name of every licensed dentist in a book kept for that purpose, and shall collect from every dentist for issuing said license, a fee of ten dollars annually, said city clerk shall pay all fees collected under this act to the city treasurer, who shall keep said moneys in a separate and distinct fund to be known and designated as the "city dental library fund," and said moneys shall be expended and used by the governing body of said city for a dental library in said city, which dental library shall be maintained at the city hall, or elsewhere as may be designated by the governing body, and be available for public use. [Ibid]

Sec.13-915 No dentist in any said city shall be required to pay a license or occupation tax in any such city [Ibid]

Sec. 13-916 Any person who shall violate any of the provisions of this act, shall, upon conviction be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars [Ibid.]

KENTUCKY

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A. DEPARTMENT OF LIBRARY AND ARCHIVES

(1) GENERAL PROVISIONS

(Carroll's Kentucky Stats 1936, p 2489, s 4618-128, 4618-129)

Sec 4618-128 Functions. All functions heretofore vested in the Kentucky Library Commission, the Library of the Commonwealth, and the State Law Library are hereby transferred to and vested in the Department of Library and Archives, except that books for the Law Library shall continue to be purchased as now provided by law The Department of Library and Archives shall have such charge and custody of all property of the Kentucky Historical Society as may be provided by agreement between the said Department and the said Society under the terms of this Act [1936, 1st ex s., c 1, Art XVIII, s 1]

Sec. 4618-129. Organization. The Governor shall appoint a State Librarian who shall be responsible for the administration of said Department The Librarian shall have had technical training in the field of library science and shall have had at least four years' library experience in an administrative capacity He shall be paid an annual salary of not more than Three Thousand Dollars (\$3,000). The Department of Library and Archives shall be composed of a library extension division, a legislative and law library, and the Kentucky Historical Society [1936, 1st ex s , c 1, Art.XVIII, s 2.]

(2) LIBRARY EXTENSION DIVISION

(Carroll's Kentucky Stats. 1936, p 2489, 1252-1253, s.4618-130, 2438c-4, 2438c-5;
Ibid. 1941 Suppl p 164-165, s 2438d-1 to 2438d-8.)

Sec. 4618-130 Library extension division. The library extension division shall be headed by an assistant librarian and shall act under the direction of the State Librarian. This division shall be vested with all the functions heretofore performed by the Kentucky Library Commission and its officers. The assistant librarian, who shall have charge of this division, shall have had the same training as the Librarian and shall have had two years of library experience. [1936, 1st ex s, c 1, Art XVIII, s 3]

Sec. 2438c-4 Duties and powers. The Extension Division shall give assistance, advice and counsel to all school, state institutional, free and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

It may also receive gifts of money, books, or other property which may be used or held for the purpose or purposes given, may purchase and operate traveling libraries under such conditions and rules as the commission deems necessary to protect the interests of the state and best increase the efficiency of the service it is expected to render the public.

The Division may issue printed material, such as lists and circulars of information, and in the publication thereof may cooperate with other state library commissions and libraries, in order to secure the more economical administration of the work for which it was formed. It may conduct courses of library instruction and hold librarians' institutes in various parts of the state.

The Division shall perform such other service in behalf of public libraries as it may consider for the best interests of the state [1910, c 27, p 82, s 4]

Sec 2438c-5 Report. The extension division shall, prior to December first, of the year preceding the regular sessions of the general assembly make a biennial report to the governor, which report shall show library conditions and progress in Kentucky, and shall contain a detailed statement of the expenses of the Division. This report, when printed, shall be presented to the general assembly of the Commonwealth of Kentucky, and distributed by the Division. This report and other printing and binding for the Division shall be done by the state printer under the same regulations as other reports of the executive officers of the state [1910, c 27, p 82, s 5]

Sec 2438d-1. Funds to equalize library service; federal grants; receipt, administration by extension division. The Library Extension Division, in addition to the powers now vested in it by law, is hereby authorized and empowered to receive, accept and administer any money or moneys appropriated or granted to it, separate and apart from the general fund, for pro-

viding and equalizing public library service in Kentucky, by the federal government or by the Commonwealth of Kentucky and any other agencies, private or otherwise [1940 c.106, p 435, s.1]

Sec. 2438d-2 Federal grants; state treasurer as trustee of funds; payments to local libraries. The State Treasurer shall serve as trustee of funds apportioned to the Commonwealth of Kentucky from any appropriations made by the federal government, the commonwealth or any other agency for providing and equalizing public library service in Kentucky.

The Department of Finance shall, on the requisition of the Library Extension Division, authorize the State Treasurer to make disbursement from funds to such libraries, cities, towns and counties for library service as have been approved and authorized to participate in the benefit of these funds under the terms of the Federal Acts, and for the payment of salaries and other expense as are authorized herein out of the fund provided by the federal government. [1940 c 106, p 435, s.2.]

Sec. 2438d-3 Cooperation with federal government. The Library Extension Division is hereby designated, authorized and required to cooperate, as provided in and required by the Acts of Congress providing federal grants to states for library service, with the United States Commissioner of Education in the administration of the provisions of said Acts, employ personnel and do all things necessary to entitle the Commonwealth of Kentucky to receive the benefits thereof. [1940 c 106, p.435, s 3]

Sec. 2438d-4. Reports; audits by local libraries and state officials. All libraries, cities, towns, counties and school districts participating in or benefiting by the provisions of the federal grant for library service or receiving any service from the Library Extension Division, are hereby required to make such reports and audits as are required to the State Treasurer, the Library Extension Division, and the United States Commissioner of Education. The State Treasurer and Library Extension Division are authorized and required to make such reports and audits as may be required by the federal government and the United States Commissioner of Education in respect to the expenditure of federal grants and progress of library service [1940 c.106, p.435, s.4]

Sec. 2438d-5. Employees in local libraries; appointment on merit. All appointments of personnel and the tenure thereof to the Library Extension Division and to such libraries, cities, towns, counties and school districts participating in or benefiting by the provisions of the federal grants for library service shall be based on merit and efficiency without regard to political consideration [1940 c.106, p.435, s 5.]

Sec. 2438d-6 Plans to improve, integrate, library service; facilities for white, colored races. The Library Extension Division shall, as soon as possible after the passage of this Act, make and administer plans to lessen inequalities of opportunity for library service, for the maintenance of a co-operative and integrated system of library service throughout the Com-

monwealth, for suitable cooperative arrangements with school systems, cooperative agricultural extension service and other appropriate agencies, and to make equitable apportionment of any funds so received so as to provide library facilities to both the white and colored races. [1940 c 106, p.435, s.6]

Sec. 2438d-7. Acceptance of federal laws. The Library Extension Division shall, as soon as possible after the passage of this Act, transmit to the United States Commissioner of Education official notice of acceptance of the provisions of the aforesaid Acts of Congress and legislative enactment pertaining to the matters specified herein [1940 c 106, p 435, s 7.]

Sec. 2438d-8. Contracts with governmental agencies; establishment of local service; reports by libraries. The Library Extension Division may enter into contracts with any local, state or federal governmental agency or authority for the purpose of enabling the establishment and maintenance of a local public library service upon such terms as may be agreed upon by the several contracting parties, subject to the statutes relating to the establishment and maintenance of libraries by the governmental agencies or authorities with whom the contracts are made.

The contracting parties may establish such districts or units of library service as they may mutually agree upon. The library service within such districts shall be carried on according to plans approved by the Director of Library Extension.

All libraries established under this Act shall send such statistics and furnish such information regarding their activities as the Director of the Division of Library Extension may require from time to time. [1940 c 106, p 435, s.8]

(3) STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

(1938 Suppl. Carroll's Kentucky Stats p 381-382, s 4618-130b to 4618-130L.)

Sec 4618-130b Board for certification of librarians. There is hereby created in the Library Extension Division of the Department of Library and Archives a State Board for the Certification of Librarians, which shall consist of the State Librarian, who shall be an ex officio member, the Head of the Library Extension Division and five members, to be appointed by the Governor from a list submitted by the Board of Directors of the Kentucky Library Association. Two of said members shall be full time professional librarians in active public library work, two shall be full time professional librarians in institutions of higher learning and one member shall be a library trustee.

Except in the case of the ex officio member of the Board and the Head of the Library Extension Division, the term of office of each member shall be four (4) years. The first member of the board, excepting the ex officio member and the Head of the Library Extension Division, shall be appointed for terms beginning July 1, 1938, one for a term of one (1) year,

one for a term of two (2) years; one for a term of three (3) years, and two for a term of four (4) years. Vacancies shall be filled by appointment for the unexpired terms in the same manner as original appointments are made.

The members shall receive no compensation except actual and necessary expenses, incurred in attending meetings, not to exceed \$10.00 per member per meeting.

The Board shall hold at least one meeting each year at a time to be fixed by the rules of the Board, and such special meetings as may be determined by the Board. A chairman and Secretary shall be elected at each annual meeting to serve during the ensuing year [1938 c 140, p 685, s 2]

Sec. 4618-130c Certificates; granting; renewal. The board shall grant certificates of librarianship without examination to applicants who are graduates of library schools approved by the board and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities for professional library work and is competent to carry on library work ably and efficiently

The board shall have the authority to issue renewals, to determine the positions for which certificates of librarianship shall be required, and to adopt rules and regulations not inconsistent with the law for its own government and for carrying out the purposes of this act. [1938 c 140, p 685, s 3]

Sec 4618-130d Experienced librarians. This Act shall not be construed to affect any librarian in his or her present position, providing said librarian has served in library work in the state for at least one year prior to the taking effect of the Act Such librarians as are now in service shall be entitled to receive a certificate in accordance with their qualifications, without examination, upon the payment of a prescribed fee, and such a certificate shall be a life certificate [1938, c 140, p 685, s 4] .

Sec. 4618-130e Certificate required. After January 1, 1939, any library coming under this Act shall not have in its employ, in the position of librarian, or in any other full time professional library position, a person who does not hold a certificate of librarianship issued by the board [1938, c 140, p 685, s.5]

Sec 4618-130f. Application. The provisions of this Act shall apply to public libraries and all other libraries supported in whole or in part by public funds and with the exceptions of the county law libraries, law and legislative libraries, public school libraries, and libraries in municipalities, counties, regions or other governmental units having less than 3,000 population. [1938, c.140, p.685, s 6]

Sec 4618-130g. Libraries not supported by public funds. The Board may issue certificates to qualified persons who are serving in libraries not supported from public funds. [1938, c 140, p.685, s.7.]

Sec. 4618-130h Fees. The board shall require a fee of not less than one

dollar nor more than five dollars to be paid by each applicant for a librarian's certificate. [1938, c.140, p.685, s.8.]

Sec. 4618-130i. **Violations; penalty.** Any person, group of persons or Corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$100.00 for each offense and each day that such violation continues shall be deemed a separate offense.

Sec. 4618-130j. **Certification fund.** The librarian's certification fund is hereby created in the State Treasury. It shall be a revolving fund and all moneys collected under the provisions of this Act shall be deposited in said fund. All moneys credited to said fund shall be used for the support of the Board for certification of Librarians, and for the purposes of this Act, in accordance with law. [1938, c 140, p 685, s 10]

Sec. 4618-130k. **Revocation.** The Board shall have the right to revoke certificates issued under the provisions of this act and held by any person who may be guilty of violating the provisions of this act, provided, however, that written notice of such proposed action shall have been delivered in person, or forwarded by registered mail to the holder of such certificate at the last known Post Office address, stating the cause for such contemplated action together with a copy of the charges and appointing a time and a place for hearing thereon by the Board. [1938, c 140, p 685, s.11.]

Sec. 4618-130L. **Hearings.** The Board shall grant hearings for the purposes of reconsidering applications and awards, provided the applicant files with the Board within a period of twenty days of issuance of or refusal to issue a certificate, a petition for rehearing. The Board's refusal to grant certificates may be reviewed and its issuance may be ordered by any court having jurisdiction. [1938, c 140, p 685, s 12]

(4) STATE LAW LIBRARY

(Carroll's Kentucky Stats 1936, p 2489, 1255-1258, s 4618-131, 2439-4, 2444 to 2446, 2449 to 2453-1, 2456, 2457, 2459)

Sec. 4618-131. **Legislative and law library.** The legislative and law library shall be headed by an assistant librarian who shall act under the direction of the State Librarian. This assistant librarian shall be in charge of all functions now performed by the Library of the Commonwealth of Kentucky and the Law Library, except as herein otherwise provided, together with such library materials as may be made available through the Kentucky Historical Society under the arrangement provided in this Act. The assistant librarian in charge of the Law Library shall be a graduate of an accredited law school. [1936, 1st ex s , c 1, Art XVIII, s.4.]

Sec. 2439-4. **Trustees of the law library.** The Judges of the Court of Appeals of Kentucky and the Attorney General shall be Trustees of the Law Library. They shall see that the Law Librarian properly discharges the duties of his office. [1934, c.99, s 4]

Sec. 2444. Duty of librarian. It shall be the duty of the librarian :

1. To attend to and keep the library rooms open every day (Saturday afternoon and Sunday excepted), from nine o'clock in the morning until five o'clock in the afternoon, and during the sessions of the General Assembly to keep the library rooms open in the evenings when requested.

2. To keep the library rooms in order, and to preserve and arrange all the books, charts, maps and furniture belonging to the Commonwealth, and to see that no books or other things are taken from the library rooms without a receipt being given therefor as herein required

3. To receipt for all books, maps and furniture placed in the library, which receipt shall be given to secretary of state and preserved in his office.

4 To have prepared and printed, every six years, a complete catalogue of the books, maps, and charts in the library, and every two years a supplemental pamphlet catalogue of all books, maps and charts received by the library during the preceding two years

5 To keep a perpetual modern and complete card shelf, list and subject catalogue, and to take inventory in the month of June of each year of all the books, maps, charts, or other property belonging to the Commonwealth and report said inventory to the court of appeals before the adjournment of the court of appeals for the spring term

6 To distribute the publications of the State as required by law, and such other duties as are required by law

7. All the copies of the acts of the general assembly and other books which may be printed for the state, shall be delivered to the librarian, and by him distributed as herein directed

The acts of the general assembly, journal of each house, and books of reports, shall, when bound, be deposited with the librarian, and it shall be his duty to pack up the same in a suitable manner for each county, with a list of the names of those who are entitled to receive them, and send each package in the most inexpensive manner to the circuit clerk of each county who shall distribute the books received by him in each package as directed by law

The whole amount to be paid by the librarian for such distribution shall not in any year exceed one thousand dollars (\$1,000)

8. Each librarian shall turn over to his successor separate inventories of all books, and property that were in the library at the commencement of his term, and all that were placed in the library during his term ; and each librarian shall receipt to his predecessor for all books and property in the library at the time he takes charge thereof, and shall be responsible upon his official bond for the value of all books lost from the library during his term of office.

9 The compensation herein allowed the librarian, assistant librarian and all other employees shall be in full payment for all services rendered by them as such, and shall include all those services rendered to or by reason

of the session of the general assembly. [1930, c.62, Art.I, §6, 1893, c.262, §6.]

Sec. 2445. Rooms for library. The rooms of the state library shall be those now occupied by it on the second and third floors of the Capitol and the surplus books and other property belonging to the library shall be stored in other parts of the Capitol where it is not kept. [1930, c.62, Art II, s 1]

Sec 2446 Books that constitute library. The following books shall constitute a part of the library of the Commonwealth, to wit.

All the books now on hand, of which there are not exceeding four sets, except the following, of which there shall be a number of sets named :

Bradford's Statutes, all on hand ,

Littell's Statutes, all on hand ,

Moorehead and Brown's edition of the Statutes, twenty sets ,

Preston S Loughborough's Supplement, 1842 ,

The Revised Statutes, 1852, twenty sets ,

Stanton's Statutes, 1859 ;

General Statutes, 1872, twenty sets, and subsequent editions, ten sets ;

Myers' Supplement to Revised Statutes, 1866, ten sets ,

Various Editions of Carroll's Statutes, 1894, 1903, 1909, 1915, 1918, 1922, and Balwin's Supplements ;

The Code of Practice, twenty sets, 1851, 1854, 1876, and subsequent additions, including the present Carroll's Kentucky Codes, 1927 ,

Pirtle's Digest, ten sets ,

Barbour's Digest, ten sets ;

The Journal of each of the two Houses of Congress, two sets ;

The Journal of each House of the General Assembly of the State, twenty-five sets ;

The Acts of each session of Congress, two sets ,

The Acts of each session of the General Assembly of Kentucky, fifty sets ,

The Reports of the Decisions of the Court of Appeals, twenty-five sets, and such other books as may be purchased by or given to the library

[1930, c 62, Art II, s 2 , 1893, c 262, s 8]

Sec 2449 Sale, exchange and purchase of books, etc. The librarian shall, from time to time, with the consent of the court of appeals, sell or exchange such portion of the decisions of the court of appeals, acts of assembly, and other books belonging to the state, as may be deemed expedient, and out of the proceeds thereof, and of the sum recovered under the next proceeding section, he may with such consent purchase other books, maps or charts. [1930, c 62, Art II, s 5]

Sec. 2450. Books; use of. Any person may use the books of the library but the librarian shall not permit anyone to take the books out of the library, except the members of the General Assembly, during the session of the Legislature, the judges and commissioners of the court of appeals, the attorney general, the governor, and other state officials, but the attorneys

at law shall be allowed to take the books to the rooms of the court of appeals, to be used in the argument of cases there pending and not elsewhere. [1930, c 62, Art.II, s.6]

Sec. 2450-1. Librarian to furnish public documents and books to college libraries. The State Librarian is hereby authorized to furnish free of charge to the Library of the University of Kentucky and to the libraries of the four state teachers colleges, and the two colored teachers colleges, such public documents, books and manuscripts in the said State Library, as are essential to the performance of the duties of that Library, when and as the trustees of said State Library may, from time to time at their discretion, authorize him to furnish [1934, c 98, s 1. Eff June 14, 1934.]

Sec. 2451 Record of books removed; penalty for failure to return. The librarian shall keep a record in which he shall charge each book to the person taking it from the library and he shall see that all books so taken are returned at the proper time. If any person shall fail to return a book taken out by him, he shall be responsible to the librarian for double value thereof. [1930, c 62, Art II, s 7]

Sec. 2452 Expenditures; affidavit of librarian as to. The librarian shall, annually, make and lay before the judges of the court of appeals before the adjournment of the court for the spring term, an affidavit showing the amount he has, during the previous year, expended in the purchase of books, maps or charts, under their advice and direction and give a schedule, together with the prices thereof [1930, c 62, Art II, s 8]

Sec 2453-1, Librarian to sue person not returning book; when; duty of Attorney General. The librarian shall, in the name of the Commonwealth of Kentucky, sue any person in any court of Franklin County having jurisdiction of the amount involved, for a book or other thing drawn from the library which he fails to return or for any damage done to any book or other thing belonging to the library

It shall be the duty of the Attorney General to vigorously prosecute such suit and the Commonwealth may without bond have attachment for all such books or property, or for such damage and any judgment rendered for any such books or property or for such damage shall be double for the value or amount thereof. [1930, c 62, Art II, s 10]

Sec 2457 Exchange of reports of decisions with other states. The librarian shall, by correspondence, arrange with the proper official of each state of the United States and of the United States and its territories for the exchange of the acts of the legislature of such states and of Congress and for the exchange of the published decisions of their courts of intermediate or last resort, and whenever such exchange is agreed upon the librarian shall send to such officer one copy of each of the published decisions of the court of appeals of Kentucky and of the acts of the general assembly so soon as the same are ready for distribution; and if the published acts of the

legislatures or of congress or of the decisions of said courts of those states, and of the United States, are not promptly sent to the librarian, as fast as issued, it shall be his duty to write for the same. The librarian shall keep a record of all books sent to and received from other states and the United States under this section, which record shall be for the use of the court of appeals in directing purchases. [1930, ch 64, s.5.]

Sec. 2459. Inventory of books and effects to be delivered to successor. Each librarian shall turn over to his successor separate inventories of all books, stationery and other property that were in the library at the commencement of his term, and all that were placed in the library during his term; and each librarian shall receipt to his predecessor for all books, stationery and other property in the library at the time he takes charge thereof, and shall be responsible upon his official bond for the value of all books lost from the library during his term of office [1893, c.262, p 1493, s.21.]

(5) KENTUCKY HISTORICAL SOCIETY

(Carroll's Kentucky Stats. 1936, p 2489, 1141, s 4618-132, 2290a-1 to 2290a-2)

Sec 4618-132 The Kentucky historical society. The Kentucky Historical Society, heretofore incorporated under the laws of this State, shall be continued as heretofore established. It is hereby declared a condition precedent to paying over to such Society of any public moneys of the State that all books, archives, documents, library and historical exhibits, and other library properties, whether or not enumerated herein, be made available to the Department of Library and Archives for cataloging and maintenance as a part of the collection of said Department under such agreement as to joint maintenance and use of the library materials of the Society and as to the apportionment of the expense of maintenance as shall be agreed upon and approved by the Governor. In no case shall a warrant be drawn in favor of such Society except on certification of the State Librarian that the conditions prescribed in this Act have been complied with. [1936, 1st ex x, c.1, Art XCIII, s 5]

Sec. 2290a-1. Appropriations; use of; secretary-treasurer; publication of magazine; records; reports. All sums appropriated for the benefit of the Kentucky Historical Society shall be used by said Society to pay the salary of the Secretary-Treasurer, Librarian, Curator, Editor of The Register and Business Manager, and such other officers and employees as may be necessary to properly transact the business of the Society, and to pay for printing and editing The Register, or other printing, stationery, postage and office supplies, and for the purchase of books and objects of historic interest and to meet other incidental expenses.

The Secretary-Treasurer shall give an annual bond for the faithful performance of the duties of said office and the proper accounting for all funds that may come into the hands of said Society. The annual premium for such bond shall be paid by the Society. The salaries of all officers and employees

of the Society shall be fixed annually by the Executive Committee of the Society.

The Society shall prepare and publish periodically a magazine, *The Register*, devoted to matters of historic interest, and such other publications as may be required by the Society; said printing to be included in the contract for first-class printing.

The Society shall keep a full and correct account of all its receipts and expenditures and make a biennial report thereof to the State Budget Commission for the information of each recurring session of the General Assembly. [1930, c 183; 1906, c 28]

Sec. 2290a-2 Fiscal court may authorize old books and documents to be delivered to society. The county officers of this Commonwealth are authorized to turn over to the Kentucky state historical society at Frankfort, Kentucky, old books or documents in their offices, suitable for preservation as archives of the state, but no longer of use or value to the counties, that they may be properly arranged, catalogued and preserved for future generations of Kentuckians. No books or documents of any county shall be turned over to said state historical society except upon the order of the fiscal court of such county [1926, c 185, p 869]

B. DISTRIBUTION OF PUBLIC DOCUMENTS

(Carroll's Kentucky Stats., 1936, p 1248-1250, s 2421, 2422, 2425-2426b, 2428, 2431-2433, 2437, *Ibid* 1941 Service p 163, s 2426a)

Sec 2421. Persons entitled to copy of session acts. The following persons, by virtue of their respective offices, and the following libraries shall be entitled to copies of the session acts of the general assembly hereafter published, to wit: Members of the general assembly which passed such acts, treasurer, secretary of state, registrar, circuit judge, Commonwealth's and county attorneys, the sheriff of each county, circuit court clerk, county court clerk, county judge and justices of the peace, one copy each, attorney general, four copies, governor and auditor, two copies, librarian, for the use of the senate, ten copies, for the use of the house of representatives, thirty copies, the law library of each county, one copy, the federal judge of each district of Kentucky, and the United States Circuit Court of Appeals at Cincinnati, one copy each, the Library of Congress, seven copies, the Supreme Court of the U S, three copies, Kentucky Historical Society, two copies [1930, c 64, s 1]

Sec 2422 Copies to be sent to other states. The librarian shall annually transmit to the executive of each of the other states, and also to the secretary of state for the United States, two copies of the session acts. [1893, c 166, p 594, s 5]

Sec 2425 Journal of houses; who entitled to copy. The members of the general assembly shall be entitled to one copy of the journal of each house of the session such member may serve. and each clerk of a county

and circuit court shall be entitled to one copy, the governor, two copies, the secretary of state, two copies for the use of his office, the librarian five copies for the use of the senate, and ten copies for the use of the house, and the Library of Congress and the Kentucky Historical Society, two copies each. [1930, c.64, s.3.]

Sec. 2426 Kentucky reports; who entitled to copy. One copy of the reports of the decisions of the court of appeals which may be hereafter published and one copy of each pamphlet of the weekly advance sheets, as soon as the same are published and ready for distribution shall be delivered without cost to, the governor, each judge and commissioner of the court of appeals, each circuit judge, the judge of each Federal Court of Kentucky, the librarian of the United States Circuit Court of Appeals, at Cincinnati, the county Library of each county, and seven copies each shall be so sent to the Library of Congress, and to the Kentucky Historical Society, two copies [1930, c 64, s 2]

Sec 2426a Acts, reports, etc.; supplied to certain law libraries. The State Librarian be and he is hereby required and directed to furnish to the Law Library of the University of Kentucky and to the Library of Kentucky State College For Negroes, free of cost and as they are published, three (3) copies of the Acts of the General Assembly, two (2) copies of the Journals of the House and Senate, twelve copies of the Kentucky Reports, and twelve copies of the Advance Sheets of the Kentucky Reports Said Librarian is further directed to furnish to the Law Library of the University of Kentucky and to the Library of Kentucky State College For Negroes, free of cost, the following published reports fourt (4) sets of Kentucky Reports beginning with volume 78, two sets of Kentucky Reports beginning with volume 229, and one each of Volumes 133, 205, 216, 217, 219, 222, 223, 224, 225, 226, 227, and 228 of the Kentucky Reports. [1940, c 63, p 293.]

Sec 2426b Acts, reports, etc.; to be furnished Law Library of University of Louisville. That the State Librarian be and he is hereby required and directed to furnish to the Law Library of the University of Louisville, Kentucky, free of cost and as they are published, two copies of the Acts of the General Assembly, two copies of the Journals of the House and Senate, three copies of the Kentucky Reports, beginning with volume 78, and three sets of the Advance Sheets of the Kentucky Reports, said Librarian to furnish the said University with the new volumes of the Kentucky Reports and the Advance Sheets as they are published free of charge [1930, c 66]

Sec. 2428. Acts of Congress; who entitled to copy. The members of the general assembly, the judges and clerks of each of the state courts, the attorney general, the Commonwealth's and county attorneys, Kentucky Historical Society and state librarian shall each be entitled to one copy of the acts of congress which may be sent to the state for distribution, when requested. [1930, c 64, s 4.]

Sec. 2431. Penalty for refusing to return public books. If any attorney or other person shall or may hereafter have in his possession any of the public books belonging to this Commonwealth, and upon the request of the clerk having the custody of such book fail, neglect or refuse to restore the same to the proper officer, he shall be deemed guilty of misdemeanor, and may be fined in any sum not exceeding fifty (\$50 00). [1894, c.166, p.594, s.14.]

Sec. 2432. Carroll's Kentucky Statutes, Carroll's Kentucky Codes, and Supplements to Statutes and Codes; to be furnished judges of circuit courts. That on a certificate from the circuit judge of any circuit court of this State that such circuit court is without a copy of the latest edition or revision of Carroll's Kentucky Statutes and/or Codes of Practice, the State Librarian be and he is hereby required and directed to furnish to the circuit clerk of such circuit court a copy of the Statutes or Codes so lacking for the use of the circuit judge in such circuit court and shall, on such certification of such circuit judge that such copy of the Statutes and/or Codes of Practice have been lost, mutilated or torn, furnish to such circuit clerk for the use of the circuit judge in such circuit court a duplicate copy of such book so lost, mutilated or torn, and shall furnish to such circuit clerk for such circuit judge from time to time any supplement or supplements issued to such Statutes and/or Codes. In courts of continuous session possessing more than one judge, the Librarian shall furnish a copy of such Statutes and/or Codes and any supplement thereto to each judge of such circuit court on such certification. The Librarian shall certify the cost of any book or books so furnished hereunder to the Auditor of Public Accounts who shall issue his warrant on the Treasurer for the same, payable out of the general fund [1932, c 95]

Sec. 2432a. Loss of acts, etc., through burning of court house; additional copies. That where the court house of any county wherein its public library was kept, has been destroyed by fire, that it shall be the duty of the librarian of the state of Kentucky to furnish to said county all acts of the Kentucky legislature, journals of the house of representatives and senate of the state of Kentucky, and copies of the reports of the Kentucky court of appeals without expense to said county, when said loss has been shown by affidavit of the county judge of said county which has suffered such a loss. [1920, c.111, p 543]

Sec 2433 Librarian to distribute public books. All the copies of the acts of the general assembly and other books which may be printed for the state, shall be delivered to the librarian, and by him distributed as herein directed. [1893, c 166, p 594, s 16]

Sec. 2437. Clerks of houses; duty concerning books. It shall be the duty of each clerk of the general assembly, for the time being, at the close of each session, to collect all the books belonging to their respective houses, and to make out a complete list of the same, and have the books carefully

boxed up. The same shall then be delivered to the state librarian, whose duty it shall be carefully to preserve the same, so as to have them forthcoming at the commencement of each succeeding session of the general assembly. [1893, c.166, p.594, s 20.]

C. COUNTY LIBRARIES

(Carroll's Kentucky Stat., 1936, p.501-503, s 938d-2 to 938d-7; *Ibid* 1941 Service, p 84, s 938d-1)

Sec. 938d-1. Fiscal court may establish; tax levy; petition to establish; board; joint library system. The fiscal court of any county in this Commonwealth, in which there is no free public tax supported library in any city or town therein, may establish a county public library, open and free to all the inhabitants of the county

In order to support and maintain such library, the fiscal court may levy a tax of not less than five-tenths of a mill nor more than one mill on the dollar of all taxable property assessed for taxation in such county; and the library may be established either by the fiscal court on its own initiative, or on the written petition of twenty-five taxpayers from each magisterial district of the county

Within five days after such petitions shall have filed in such county, the clerk of the county court shall notify the county judge of such action. Within ten days after this notice has been sent to the county judge, he shall appoint a county library board of seven members, three of whom shall be women, two shall be appointed for one year, one for two years, two for three years and two for four years. Thereafter all appointments shall be for four year terms. All appointees shall serve until their successors are appointed and qualified. The terms of office shall correspond with the fiscal year of the county. The persons appointed under the provisions of this Act, shall represent as nearly as may be, each magisterial district in such county.

The county judge in making the appointments shall select persons of well known probity, integrity, business ability and experience, and who are fit for the character of work they are to perform, and who shall have resided for a period of not less than one year immediately preceding their appointment in the county for which they are appointed, and who shall not be less than twenty-five years of age, at the time of appointment, and who shall serve without compensation. In case of vacancy on such board from any cause, it shall be the duty of the county judge to fill such vacancy for the unexpired term.

Any county within this Commonwealth may contract with one or more counties to establish a joint library system, under such terms as may be agreed upon by the fiscal courts and library boards of the several counties. Said contracts shall not exceed a period of one year, but may be renewed annually by the fiscal courts and library boards of such counties. [1940, c.57, p 287, s.1.]

Sec. 938d-2 Certificate of appointment; oath; record. All appointments to membership on the county library board shall be evidenced by a certificate of appointment, duly signed by the officer or the clerk or the secretary of the board making the appointment, and delivered to the appointee. Within ten days after receiving such certificate, such appointee shall qualify by taking an oath before some officer authorized to administer oaths, that such appointee will faithfully discharge the duties as a member of the public library board to the best of his ability, and who shall file such certificate with the oath indorsed thereon, with the clerk of the county court of the county in which such library is to be established. Such clerk shall thereupon make a record of such appointment and the term thereof [1920, c 145, p 639, s.2.]

Sec. 938d-3 Organization; officers, powers; rules; employees; county library fund a separate account; disbursement of; liability of county treasurer. The members appointed as in this act provided, shall constitute and be known as the county library board. They shall meet within ten days after their appointment and there organize by electing a president, a vice president and a secretary. They shall have control and disbursement of the public funds for the use of the library from whatever source derived and the custody and control of all the books and other property of every name and description and shall have the power to purchase books, pamphlets, periodicals and other materials and all necessary equipment, furniture and supplies and direct all the affairs of such county public library board and such library board in the name of the library shall be empowered to receive donations, bequests and legacies and to purchase, receive, sell and convey real estate and personal property for and on behalf of such library. They shall have the power to make and enforce rules for the management of such libraries as they may deem necessary, employ librarians, assistants, janitor and other employees, require official bonds, establish branches and deposit stations, issue or sell certificates of library cards to non-residents, pay the expenses of delegates to library meetings and do all things necessary to promote the interests of the library.

All county library money shall be held by the county treasurer and kept as a separate fund and deposited in the public depositories and all interests accrued thereon shall be credited to the library fund, provided that the library board may invest any gift, bequest or devise in interest bearing securities. Such treasurer shall pay out library funds for library purposes only upon the warrant of the president of the library board, countersigned by the secretary thereof, and the president and secretary shall issue such warrant only upon itemized vouchers which shall be accompanied by itemized bills and which shall be certified as to correctness by the chairman of the finance committee of the library board and signed and sworn to by the librarian. The oath required may be administered by the secretary of the board and shall be administered without charge. The treasurer of such

county shall be liable on his official bond for the faithful performance of the duties imposed upon him by his act

In any county in which there now exists a county library fund, such fund shall become available for library purposes as soon as the library board is organized as above required [1920, c 145, p.639, s.3.]

Sec. 938d-4 County tax for library purposes. Whenever the library board of any public library established in any city or incorporated town of this state of the classes above enumerated shall file notice with the fiscal court of the county in which such library is located, of consent of such library board to make such library open and free to all the people of such county not already having free library privileges, on the condition of the said county contributing to the support of such public library, the fiscal court may upon petition of twenty-five resident freeholders of each magisterial district of such county not already taxed for public library purposes, make an annual appropriation and levy a tax of not less than five-tenths of a mill and not more than one mill on each dollar of taxable property in said county, including the property of any city or incorporated town in the county, not already taxed for public library purposes and the county treasurer shall collect and pay the same to the treasurer of such city or town where such library is located, to be held a part of the library fund and to be paid out in the same manner as other library funds Said tax shall be continued so long as ten per cent of the inhabitants of said county outside the limits of said city or town are found to be users of such library, or when less than ten per cent of the inhabitants shall use the said library, the fiscal court may, in its discretion, continue the tax herein specified [1920, c.145, p 639, s.4]

Sec 938d-5 Fiscal court may appoint additional members of library board; when. If the fiscal court shall levy a tax for library purposes as provided in K S 938d-4, this act, and pay the same over to the treasurer of such city or town where such library is located, then the fiscal court shall, within ten days appoint two persons, one of whom shall be a woman, residing in some part of said county which is contributing a tax for the support of the county library outside the limits of the city or town in which said library is located, not otherwise appointed as members of said public library board, but shall become members of such public library board and such appointments shall be for a period of two years and the county superintendent of schools also shall appoint two such members with qualifications as above provided, for a period of one year and three years respectively The members so appointed shall have the same qualifications and equal authority with other members of the public library board in the levying and expending of all county taxes and in maintaining library services to the inhabitants of the county outside the city in which such library is situated [1920, c 145, p.639, s 5.]

Sec 938d-6. Tax levy; amount; collection. It shall be the duty of the

county library board as organized under any section of this act to determine annually the rate of taxation that shall be necessary to establish, increase, equip and maintain the public library and certify the same to the fiscal court provided that said levy shall be not less than five-tenths of a mill and not more than one mill on each dollar of all the property assessed for taxation in such county, city, town or magisterial district as shown by the tax duplicate for the year immediately preceding the fixing of such levy. When the levy for such public library purposes shall be certified to the fiscal court by the county library board, the same shall be placed upon the tax duplicate of such county and collected in like manner as other county tax ordered, levied and collected [1920, c 145, p 639, s.6.]

Sec. 938d-7 Consolidation of existing local libraries. In any county in this state in which there shall hereafter be established a county library, the library board of any existing public library in any incorporated town or city or of any magisterial district or any combination thereof may, with the consent of the county library board, pay over to the county library board the income from any or all sources, on the condition that such county library board shall have full power in the management thereof, and shall maintain such city, town or magisterial district library as a branch of the county library, and that the inhabitants of such city, town or magisterial district shall have all the privileges of said county library, and that such library shall remain a part of such county library as long as ten per cent. of the inhabitants of such city, town or magisterial district shall be users of the county library through such branch. [1920, c 145, p 639, s.7]

D. MUNICIPAL LIBRARIES

(1) CITIES OF THE FIRST CLASS

(Carroll's Kentucky Stats 1936, p 1526-1529, 1588, s 2801a-1 to 2801c-2, 2981, *Ibid* 1938 Service, p 273, s 2801b-9)

Sec 2801a-1 Public library; mayor may arrange to provide. That the mayor, with the consent of the general council may by contract enter into an arrangement for a period not exceeding five years, and renew the same from time to time thereafter, with the association or corporation owning or controlling an existing library in any such city, which contains not less than fifty thousand volumes, to the end that such library shall be free and open to the public, and all persons residing or sojourning in any such city, at all reasonable times and under proper and reasonable regulations (except that it may be closed on Sunday, if deemed proper by such association or corporation) In said contract it shall be provided that such library shall, during the period thereby covered, be open and free to the general public as aforesaid, the uses, privileges and facilities, thereof, subject to the reasonable and proper direction and regulation of its governing body, being equal and free to all persons applying therefor; that it shall be non-sectarian and be so conducted, and its reading-room or rooms, and its circulating depart-

ment shall be maintained free and open to the general public. [1898, c.34, p.90, s.1.]

Sec. 2801a-2. Tax levy for library purposes; reports concerning to mayor. As consideration for such public use, such city shall annually in its annual ordinance fixing the tax rate include a levy for library purposes not exceeding two cents on each one hundred dollars' worth of property assessed for taxation for city purposes, and the amount levied as above shall annually be passed to the credit of the library fund, upon the books of said city and the said amounts as collected shall be paid over to the association or corporation aforesaid, by the treasurer or the director of finance when appointed as provided herein, in regular weekly installments, the first payment to be made within one week after the collection of the said amount shall have been commenced, and the other payments to be made weekly thereafter in current money by the said treasurer or director of finance as collected; all money so received by such association or corporation shall be used in conducting and maintaining said library for the public purposes aforesaid and for none other. Said corporation or association shall annually, in the month of September, make a report to the mayor, showing statistics covering the attendance at and the use of the books of the library, the receipts and expenditures of all moneys handled by it during the year, and such other information as may bear upon the usefulness of said library to the public. [1926, c 115, p 389, s 28.]

Sec. 2801b-1 Free library may be established. That any city of the first class may establish and maintain within its corporate limits a free public library, with circulating and reference departments and reading rooms, or any of them, for the use and benefit of the residents thereof, with such branches and stations as the board of trustees, hereinafter provided, may, from time to time, deem proper or necessary All the uses and privileges of such library shall forever be free and equal to all residents of such city, subject only to the rules and regulations established by the board of trustees. But said board may extend the privilege and use of such library and reading-rooms to persons residing outside of such city, upon such terms and conditions as said board may, from time to time, by its regulations, prescribe. [1902, c 71, p 158, s 1]

Sec 2801b-2. Act becomes operative when council so ordains. The general council of any such city may, by ordinance, signify its purpose or intent to establish a free library under the provisions of this act, and, when it shall have so ordained or resolved, the said city shall thereafter be treated as having exercised its discretion to establish such library, and the subsequent provisions of this act shall then become operative [1902, c 71, p 158, s 2.]

Sec. 2801b-3. Trustees to be appointed by mayor; term; qualifications; title; powers; vacancies; oath. The mayor of any such city shall, as soon as practicable after the passage of this ordinance, name twelve trustees, three

for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years; and shall thereafter, in the month of each succeeding year corresponding to the month in which the first appointments are made, in the same manner nominate three trustees for a term of four years. No person shall be eligible to the office of trustee who is not, at the time of his selection, a taxpayer and qualified voter in the city and has not resided therein for two years prior to his selection, and no salary or other compensation shall ever be paid to or received by such trustee for the performance of the duties of his office. The said twelve trustees, together with the mayor of said city, who shall be a trustee by virtue of his office, shall constitute and be styled the board of trustees of the free public library, and by said title shall be a corporation with power to make such rules and regulations to govern itself, and for the control, management and use of the property entrusted to its care as it may be deemed proper, not, however, in conflict with this act or with the Constitution or laws of this state or of the United States, with power to contract and be contracted with, sue and be sued, to defend and be defended in all courts, to acquire by gift, purchase or otherwise, and to hold real and personal property to the use of the public library, for the purpose and intent for which the same may be granted or dedicated, to use, manage and improve, sell and convey, rent or lease property, to erect suitable building or buildings; to have a common seal and change it at pleasure, and to act with or without a seal. Vacancies in the office of trustee shall be reported by the board to the mayor, and shall be filled in like manner as the original appointments. The said trustees shall, before entering upon the duties of their offices, make oath or affirmation before some judicial officer of this Commonwealth to discharge the duties enjoined on them.

The board of trustees of the free public library of any city of the first class is hereby given authority to mortgage any or all real property or personal property owned by such library to secure any indebtedness due from the said corporation.

The said mortgage not to exceed the sum of three hundred and twenty-five thousand dollars (\$325,000). [1918, c.79, p.402]

Sec 2801b-4 Meetings; limit of liabilities; officers. The board shall meet once each month, and oftener if necessary, for the transaction of its business. A majority of the board shall constitute a quorum, but no appropriation of money, except for ordinary or current expenditures, shall be made unless upon the affirmative vote of a majority of its members. Except for the purpose of erecting the library building, the board of trustees shall not incur liabilities for any current year in excess of its annual income, including gifts and donations and unexpended balances from previous years. The board shall, at the first meeting after the selection of its members, and annually thereafter, select out of their number a president and vice president, whose duties shall be prescribed by its rules and regulations, and it

may choose a secretary and treasurer and such other officers, agents and servants as it may deem proper and necessary, and may prescribe the duties required of them, fix their compensation and may remove its appointees at pleasure. [1902, c.71, p.158, s 4.]

Sec 2801b-5. Money; where deposited and how drawn out. All moneys due the board shall be deposited in some chartered bank in said city, to be selected by it, and funds shall be withdrawn from said bank only on order of the board by check of its treasurer and countersigned by its president, or by its vice-president when acting in his stead. [1902, c.71, p 158, s 5.]

Sec. 2801b-6 Tax for library purposes; payment of; report to legislative body. To raise money for the establishment and maintenance of the library, the legislative body shall annually, in its levy ordinance cause to be levied and collected a tax of not less than two and one-half cents ($2\frac{1}{2}$ c) or more than four cents (4c) on each one hundred dollars' (\$100 00) worth of property assessed for taxation for city purposes. Upon the completion of assessment of property for taxation the amount levied as above shall, annually, be passed to the credit of the library fund upon the books of the city treasurer or director of finance, when appointed as provided herein, and the said amount, as collected, shall be paid over to the board of trustees by the said city treasurer or director of finance in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have begun, and other payments to be made weekly thereafter, in current money by said city treasurer or director of finance, as collected. The board shall annually, in the month of September, make a report to the legislative body, showing the use of the library for the fiscal year ending the last day of August preceding, the receipts and expenditures of all moneys handled by it during the year, and giving such other information as may promote the usefulness of said library to the public, or may be called for by the legislative body. No portion of the property or fund held or raised for library purposes shall ever be applied to the support of any library not exclusively under the control and management of the board of trustees as herein provided [1926, c 115, p 389, s 29]

Sec 2801b-7 Property may be accepted by trustees. The board of trustees may accept such gifts and donations of property, real and personal, to be used for the purposes contemplated by this act, upon such terms and conditions not in conflict with the Constitution and the laws of this Commonwealth, as may be agreed upon by the said board of trustees, of the one part, and the donor, of the other part, and the title of the property, as may be so given or donated, shall be vested in such board of trustees, and the city wherein such library may be situated may be a party to any deed or instrument of transfer for the purpose of carrying out such arrangement pertaining thereto as it may lawfully make; and for the purpose of acquiring all property of other corporations, or libraries, or societies, as may by contract or agreement under it be transferred from such library or associa-

tion to it. [1902, c 71, p 158, s 7.] *This section construed. Com. v. Louisville Public Library, 151 Ky. 420, 152 S.W. 262, Bd. of Ed. of the City of Louisville v. Louisville Public Library, 151 Ky. 420, 152 S.W. 262.*

Sec. 2801b-8. Penalty for injuring library property. The general council of such city shall have power to pass such ordinances imposing suitable penalties for the punishment of persons committing injury to the library, or upon the grounds or other property thereof, or may be guilty of disorderly conduct in or about the premises of the said library, and for injury to or failure to return any books belonging to said library, under its rules and regulations, as the board of trustees may recommend. [1902, c.71, p.158, s.8.]

Sec 2801b-9 Board may issue "library bonds"; provisions concerning; deposit and use of proceeds of sale of; interest paid; how. The said board of trustees may in their discretion and if they deem it necessary, issue bonds in the sum of not exceeding five hundred thousand dollars (\$500,000.00) for the purpose of paying off any indebtedness it may owe. The said bonds may be secured by any or all real property or personal property owned by said corporation. The bonds so issued shall be designated as "library bonds" and the board of trustees shall by an appropriate resolution fix the date and maturity of such bonds, the rate of interest they shall bear, and the form they shall bear, where they shall be payable. The said board shall determine when and at what price and how they shall be sold; provided, that any premium which may be obtained from the sale of said bonds shall constitute a sinking fund for their ultimate retirement. As the bonds are sold their proceeds shall be placed to the credit of the said corporation in some bank or banking institution or trust company, but shall be kept in a separate account and shall be used only for the purpose for which the bonds were issued. The interest on the bonds shall be paid by the said corporation from the rent or income it may receive from any real property belonging to it. [1938, c.73, p.412, s 2.]

Sec. 2801b-10. City may guarantee library bonds. Any city of the first class, having a free public library organized according to the provisions of the said chapter seventy-one (71) of the Acts of the General Assembly of the Commonwealth of Kentucky of 1902 (which is now K. S. section 2801b) may by an ordinance provide that the said bonds, principal or interest or both, may be guaranteed by the city.

When the said ordinance is enacted by the said city the said bonds shall be endorsed "guaranteed" and the name of the city guaranteeing attached and said guarantee shall be signed by the mayor of the city and attested by the comptroller of the city and stamped with the proper seal of the said city of the first class; provided, however, that from and after the appointment of the director of finance, as provided herein, the said guarantee shall be attested by the said director of finance, and stamped with the proper seal of the said city of the first class. [Kentucky Acts, 1926, c.115, p.389 s.30.]

Sec. 2801c-1. Use of library by county residents. That the fiscal court of counties containing a population of over two hundred thousand and wherein there is located a city of the first class, may in its discretion contract with the board of trustees of the free public library of any such city for the purpose of granting to the residents and schools of such county the same privileges afforded by such library to residents and schools in the said city, and the said fiscal court is hereby authorized to make such contracts

The said fiscal court may appropriate annually a certain sum of money to the maintenance and support of such library, to be payable out of the county levy funds in its hands [1918, c.107, p 450, s 1]

Sec. 2801c-2. County branches may be established. The sums mentioned in section 2801c-1 of this act, when appropriated by the said fiscal court, shall be expended by the board of trustees of the free library, if the latter deems it expedient, in the establishment of branch stations, in various parts of the county outside of the corporate limits of the said cities of the first class, according to such rules and regulations as the said board may deem best [1918, c 107, p 450, s 2]

Sec 2981 Ordinance fixing tax rate; levy to be subdivided; purposes. In an ordinance fixing for any year the tax rate the legislative body shall subdivide its levy as follows: A levy for schools, a levy for the University of Louisville; a levy for the sinking fund; a levy for the department of public safety, and the divisions thereunder; a levy for the department of public works and the divisions thereunder; a levy for the department of public health and the divisions thereunder, a levy for the department of public welfare and the divisions thereunder; a levy for the department of law, and the divisions thereunder, a levy for the department of public finance and the divisions thereunder, a levy for park purposes, a levy for library purposes; a levy for general purposes and a deficit tax, and such other levies as are or may be otherwise authorized and provided by law. The legislative body shall cause the foregoing levies to be made for the purposes stated by the ordinance fixing the tax rate each year [1928, c.71, p 241, s.3]

(2) CITIES OF THE SECOND CLASS

(Carroll's Kentucky Stats 1936, p 1722-1723, s 3210 to 3210b-1)

Sec. 3210. Public library; control of; free to the public; appropriation for. That as soon as a sufficient fund for that purpose shall be accumulated under the provisions of this act, augmented by private contributions or otherwise there shall be established and maintained a free public library, which shall be under the direction and control of the board of trustees, consisting of five members to be appointed by the mayor for a term of four years, to be styled the "Board of Trustees of the Public Library." Said board shall have the custody, control, management and expenditure of all funds that may heretofore have been accumulated for free public library purposes, or that

may be hereafter accumulated for, or devoted to said purposes. The members of said board shall serve without compensation, they shall each give a bond in the sum of five thousand dollars (\$5,000) for the faithful performance of their duties and shall take an oath faithfully to perform their duties before the mayor. Said board shall have the power necessary to establish, maintain and conduct said free public library and said board shall establish rules and regulations for the proper conduct of said library. Said library shall be open and free to the public under such rules and regulations as aforesaid during reasonable and proper hours, and until at least 9 o'clock at night, but said library may be closed on Sunday if deemed proper. When there is already established in the city a public library, the board of trustees of the public library may enter into an agreement with the person, association or corporation owning or controlling such library whereby such library may be transferred or leased to said board for a term of years or in perpetuity or united with that established by the city under the provisions of this act. Said library shall be strictly nonsectarian and so conducted. In aid of the establishment and maintenance of such library, there is hereby appropriated and the general council shall annually direct to be paid over to said library three per centum (3%) of the net amount of taxes levied annually in the city for school purposes, and one-half of the net amount of all fines and costs collected in the police court. [1898, c 63, p 154] *So much of this section as provides that a portion of the funds collected for school purposes shall be devoted to the library is unconstitutional. Bd. of Educ v Bd of Trustees, 113 Ky. 234, 24R. 98, 68 S W. 10; see, further, Bd. of Trustees v Bd of Ed, 25R. 341, 75 S.W. 225, Bd. of Trustees v Beitzer, 118 Ky 738, 26R. 611, 82 S W 421*

Sec. 3210a-1 Free library; when council required to make annual appropriation for. Whenever in any city of the second class under laws heretofore enacted, there has heretofore been, or shall hereafter be, accumulated, money to the amount of twenty thousand dollars (\$20,000), for the purpose of establishing and maintaining a free public library, then it shall be, and is made the duty of every such city and the common council thereof, to appropriate annually for the support of such free public library, such sums of money as may be necessary with funds otherwise therefor provided by law to make the total annual sum applied to such purpose by every such city not less than the sum of five thousand dollars (\$5,000).

Any citizen or taxpayer of such city or any contributor to the fund for establishing or maintaining such free library, or his legal representatives may by action enforce performance of this act.

The fact having been made known to the general assembly, it is hereby declared that in the city of Covington more than the sum of twenty thousand dollars (\$20,000) has, under laws heretofore enacted, been accumulated for the establishing and maintaining of a free public library: Provided, that nothing herein shall be construed as requiring any appropriation to be made by any city in which there is now established a free public

library supported and maintained in whole or in part by such city. [1900, c.9, p.38.] *City may take into consideration other funds library is receiving from city in making up the minimum of \$5000 called for by this section, and is not required to appropriate \$5000 in addition to fines library receives under K.S. s 3210b. Bd. of Trustees of Carnegie Public Library v. Paducah, 225 Ky. 224, 7 S.W. (2nd.) 858.*

Sec. 3210b-1. Free library; trustees of; appointment; number; bond; oath; duties; tax for; other funds. That as soon as a sufficient fund for that purpose shall be accumulated, under the provisions of this act, augmented by private contributions or otherwise, in any city of the second class, there shall be established and maintained in such city a free public library, and in cities of the second class wherein, under any act of the general assembly, a free library has been established, the same shall continue as herein provided, said free public library shall be under the direction and control of a board of trustees, consisting of seven members, to be styled the "Board of Trustees of the Public Library," and which said board of trustees of the public library shall continue, and they are hereby declared a body politic and corporate, under said name and style, with perpetual succession, and by that name may contract and be contracted with, sue and be sued, have and use a corporate seal, the same to alter and renew at pleasure, or may act without a seal; may purchase, receive, lease, hold, sell and dispose of real and personal estate for public library purposes. Said board shall have the custody, control, management and expenditure of all funds that may heretofore have been accumulated for free public library purposes, or that may hereafter be accumulated for or be devoted to said purposes. The mayor of the city and presiding judge of the county court of the county in which the city may be located, in case the county contributes annually to the maintenance of the public library, shall be ex-officio members of said board, and the remaining five members thereof shall be appointed by the mayor, one for one year, one for two years, one for three years, two for four years, and their successors, as said terms shall respectively expire, to be appointed for four years, and shall be so selected and appointed as never to have more than four members thereof of the same political party, and that two members of said board shall be women and five members thereof shall be men. The members of said board so appointed by the mayor shall be citizens and housekeepers of the city and not less than 30 years of age; shall serve without compensation; shall each give a bond in the sum of five thousand dollars (\$5,000) for the faithful performance of their duties, and shall take an oath before the mayor to faithfully perform their duties. Said board shall have no power to charge any of the real or personal property of said corporation with any debt or liability, and shall at no time expend, in the operation or maintenance of said library, or for any other purpose, any money in excess of that annually appropriated by the provisions of this act, and should said board attempt to impose any debt or liability upon the property of said free

public library, or make any contract for amounts of money in excess of that annually appropriated by the provisions of this act, all such contracts or liabilities shall be void as against the free public library, and such members of the board as may vote for such debts, liabilities or expenditures of money shall be personally liable for the same.

Said board shall have the power necessary to establish, and when established, to maintain and conduct said free public library, and may adopt from time to time rules and regulations for the proper conduct of said library. Said library shall be open and free to the public, under such rules and regulations as the board of trustees may prescribe, during reasonable and proper hours, and said library may be closed on Sunday, if deemed proper by said board. When there is already established in the city a public or private library, the board of trustees of the public library may enter into an agreement with the association or corporation, owning or controlling such library, whereby such library, including books, real and personal property, may be transferred or leased to said board of trustees of the public library, for a term of years, or in perpetuity, or united with that established by the city under the provisions of this or any former act. Said library shall be strictly non-sectarian and non-partisan, and always so conducted. And the legislative body of the city shall, by a proper ordinance, provide penalties and the method of imposing the same, for the preservation of books, the property of said free public library, and the prevention of trespass upon the grounds thereof, and for the proper conduct of patrons of said library; and all fines and costs collected for the violation of such ordinance or ordinances shall, when collected, be paid over to the board of trustees of said library.

In aid of the establishment and maintenance of such library, there is hereby appropriated, and the general council shall annually direct to be paid over, as the same may be collected, to the board of trustees of the public library, three per centum (3%) of the net amount of taxes levied annually in the city for common school purposes, and one-half the net amount of all fines and costs collected in the police court; and to further aid in the establishment and maintenance of such public library, the general council of the city and the fiscal court of the county, either or both, jointly or separately, are hereby authorized and empowered to accept, by ordinance, resolution, order or contract (and, if necessary, unite with the board of trustees of the public library), any donation that may have been offered, or may be hereafter offered by Andrew Carnegie, or any other person, association or corporation, and comply with the conditions upon which said donations may be offered and accepted and make the terms of said contract perpetually binding upon said city and county; and said general council of the city and fiscal court of the county shall annually levy such special tax as may be necessary to comply with said conditions or term of contract, and to provide the sums of money agreed therein to be paid annually and per-

petually for the maintenance of said public library, and shall cause the same to be collected and paid over to the board of trustees of the public library. [1902, c.70, p.155.]

(3) CITIES OF THE THIRD, FOURTH, FIFTH, AND SIXTH CLASSES.

(Carroll's Kentucky Stats 1936, p.1487-1490, s 2741d-1 to 2741d-12, as amended by *Ibid*, 1938 Service, p 249, s 2741d-2)

Sec. 2741d-1. Tax levy; popular subscription; payment. That the governing authority of any city, or board of any incorporated town of the third, fourth, fifth or six class, within this state, desiring to establish, increase or maintain a public library in such city or town, open to and for the use and benefit of all inhabitants thereof, may levy a tax annually of not to exceed one mill on each one dollar (\$1.00) of all assessed taxable property in such city or town, as shown by the tax assessment for the year immediately preceding the fixing of such levy, which tax shall be placed on the tax bills of such city or town and collected in the same manner as other taxes are levied and collected for city purposes; and such levy shall be certified to the clerk of such city or town.

If the common council of such city, or board of such incorporated town, does not make a levy, as is herein provided, the taxpayers of such city or town are hereby authorized to raise, by popular subscription, for each of the two years immediately following the completion of such subscription, a sum of money equal to the amount that would be derived from a tax levy of two-tenths of a mill on each one dollar (\$1.00) of assessed taxable property in such city or town, as shown by the assessment immediately preceding the completion of such subscription and, in that event, it shall be the duty of the common council of such city, or board of such incorporated town, before the expiration of said two years, to make such levy and to continue to make such annually in support of the said public library. Provided, that not more than two per cent (2%) of the entire amount necessary to be subscribed by the taxpayers, as herein provided, shall be subscribed by any one person, firm or corporation of such city or incorporated town.

The amount of money so subscribed, as herein provided, for library purposes, shall be made to fall due and be payable in eight equal quarterly installments. The first installment shall become due and payable on the first Monday of the second month following the date of the completion and filing of such subscription, as hereinafter provided, and one installment shall become due and payable on the first Monday of each third month thereafter, until all of such subscription is paid. The subscription list, as herein provided, as soon as the same is completed, shall be submitted to the mayor or chief executive of such city or town and he shall examine the same and, if in his opinion, any one or more of such subscribers does not have property sufficient to guarantee the collection of his subscription, he shall notify said subscriber to execute bond to the city or town for the faithful performance of his undertaking by reason of such subscription and,

in the event said subscriber shall decline to execute said bond within ten days after the giving of said notice, the mayor or chief executive shall mark said subscriber's name off the subscription list and the amount so subscribed by him shall not be considered in determining whether the proper amount has been subscribed, as provided for in this section. The mayor or chief executive shall then determine whether the subscription list complies with the terms of this section and if in his opinion it does so comply, he shall immediately certify the same to the clerk of said city or town. It shall be the duty of the clerk of said city or town to then certify the same to the collecting officer of such city or town, who shall proceed to collect the subscription installments as they become due under the provisions of this section and he shall turn the same over to the city treasurer to be placed to the credit of the public library board.

Should any taxpayer of such city or town be dissatisfied with the decision of the mayor or chief executive upon the questions which the mayor or chief executive is required to pass upon by the provisions of this act, such taxpayer may prosecute and appeal from the decision of the mayor or chief executive to the quarterly court of the county in which said city or town is situated, and said court is hereby authorized to review such finding and the judgment of the quarterly court shall be final and conclusive as to the questions involved on such appeal

The appeal shall be taken within the time and in the manner that appeals are now taken from the decisions of a justice's court to the quarterly court (1920, c.146, p 645, s 1) *This section referred to in K S sections 2741d-6, 2741d-8. This act is constitutional. City of Owensboro v Board of Trustees of Public Library of Owensboro 210 Ky 482, 276 S W 143*

2741d-2 Libraries governed by this law; board of trustees, powers; members appointment; term; qualifications; expenditures not to exceed income. The provisions of this act shall apply to and govern all of the free public libraries in the cities and towns of this state of the [second*], third, fourth, fifth and sixth classes from and after July first, one thousand nine hundred-and twenty, and as soon as sufficient funds for that purpose shall have been accumulated under the provisions of this act, augmented by private contributions or otherwise, in any city or town of the classes herein referred to in which there is not already in existence a public library, there shall be established and maintained in such city or town a free public library and the same shall continue as herein provided.

Said free public library shall be under the direction and control of a board of trustees consisting of five members, to be styled "the board of trustees of the public library," which board of trustees shall continue, and

* The original bill was styled "an act relating to free public libraries in cities and towns of the second, third, fourth, fifth and sixth classes of this commonwealth" However, before passage, it was amended by striking the word "second" from the title and from section one. Although it is believed that the word "second" was not intended to be retained in the law as finally adopted, it is believed, nevertheless, that it is not validly retained, inasmuch as all reference to second class cities was stricken from the title of the act.—[Ed]

it is hereby declared a body politic and corporate under said name and style with perpetual succession, and by that name may contract and be contracted with, sue and be sued, have and use a corporate seal, the same to be altered at the pleasure or may act without seal; may purchase, receive, lease, hold, sell and dispose of real and personal estate for public library purposes. Said board shall have the custody and control, management and expenditure of all funds that may heretofore have been accumulated for free public library purposes or that may hereafter be accumulated for or devoted to said purposes.

The five members of the board of trustees of the public library shall be appointed by the mayor or chief executive, one for one year, one for two years, one for three years and two for four years, and their successors, as said terms shall respectively expire, shall be appointed for four years, and that at least two members shall be women. The members of the board so appointed by the chief executive shall be citizens of the city or town and not less than twenty-one years of age, shall serve without compensation, and each member shall take an oath before the mayor or chief executive to faithfully perform his duties. The members of such board shall be appointed immediately after the tax is levied or the subscriptions have been made and approved by the mayor.

Said board shall have no power to charge any of the real or personal property of said corporation with any debt or liability, and shall at no time expend, in the operation and maintenance of said library, or for any other purpose any money in excess of its annual income and should said board attempt to impose any debt or liability upon the property of said corporation or make any contract for sums of money in excess of its annual income, all such contracts or liabilities shall be void as against the public library board. [1938, ch 119, p.623, s 1.]

Sec 2741d-3. Annual budget; tax for library purposes lieu of all other such taxes. It shall be the duty of said board to annually estimate the needs of the free public library for the ensuing year and shall prepare a statement of such estimated needs and submit the same to the common council of said city or board of such town and, it shall be the duty of said common council or town board, in making the annual levy for city purposes, to include in its levy the estimated needs, as provided for herein, however, not to exceed in any one year one mill on each one dollar (\$1 00) of taxable property within said city or town. The tax herein provided shall be in lieu of all other taxes for public library purposes, and shall be collected by the collector for such city or town and paid into the city treasury and kept separate for public library purposes. [1920, c.146, p 645, s 3.]

Sec. 2741d-4. Library rules; ordinances to regulate use of library. The board of trustees may from time to time adopt such rules and regulations for the proper conduct of said library as may appear to be necessary. Said library shall be open and free to the public, under such rules and regulations

as the board may prescribe, during reasonable and proper hours. The board of trustees of the public library is hereby authorized to enter into a contract or agreement with the governing board of any private library in such city or town whereby such library, including books, real and personal property, may be transferred or leased to said board for a term of years, or in perpetuity, provided such agreement does not conflict with the limitations heretofore placed upon said board. Said library shall be strictly non-sectarian and non-partisan.

The legislative body of such city or town shall, by proper ordinance, provide penalties and the method of imposing the same for the preservation of the books and property of said free public library and the prevention of trespassing upon the grounds thereof and for the conduct of patrons of said library; and all fines and costs collected for the violation of such ordinance or ordinances shall, when collected, be paid into the city treasury and be credited to the public library fund [1920, c 146, p.645, s 4.]

Sec 2741d-5 One-half proceeds, fines and forfeitures in police court; donations In aid of the establishment and maintenance of such library, there is hereby appropriated for its use and benefit one-half of the net amount of all forfeitures, fines and costs collected in the police court of such city or town; and to further aid in the establishment and maintenance of such public library, the common council of the city and fiscal court of the county, either or both, jointly or severally, are hereby authorized and empowered to accept by ordinance, resolution, order or contract (and if necessary, unite with the board of trustees of the public library), any donation that may be offered, or may hereafter be offered by any person, association or corporation and comply with the conditions upon which said donation may be offered and accepted, and make the terms of said contract perpetually binding upon said city and county; and said council of the city and fiscal court of the county shall annually levy such tax as may be necessary to comply with such conditions or terms of the contract and to provide the sums of money agreed therein to be paid annually and perpetually for the maintenance of said public library, and shall cause the same to be collected as and when other taxes are collected and paid promptly to the treasurer of said city or town to be placed to the credit of the library board [Note—See, *City of Owensboro v Board of Trustees of Public Library of Owensboro*, 210 Ky 482, 276 S W. 143 1920, c 146, p 645, s 5.]

2741d-6. Certain cities and towns may receive benefits from tax levy; minimum valuation of buildings used exclusively by the negro race. In cities and towns of the classes named herein in which there is no free public library, but in which a library building which costs at least ten thousand dollars (\$10,000) in the cities of the third, fourth and fifth classes, or at least five thousand dollars (\$5,000) in towns of the sixth class, and is reasonably of that value, has been or hereafter may be erected, and fully paid for by voluntary donations made by citizens and business organizations of said

city or town and the vicinity thereof, not including in any one donation any amount over two per cent of the whole sum contributed, on a lot in said city or town, the fee simple title to which is in a library association or corporation or trustees for library purposes, and which lot is fully paid for and free from incumbrance, and which library building and lot with the emoluments thereof are devoted wholly to library purposes, and into which library building and library, all citizens of said city or town, or all white citizens thereof, or all colored citizens thereof, as the case may be, have and shall continue to have, free and equal rights of admittance into said library building and free and equal rights and privileges to the use of the library as named and provided for in this Act, shall be entitled to and have all of the said benefits, and applications of the terms and provisions herein, and in said chapter 146, provided, however, the two-tenths of one mill on each one dollar (\$1 00) named in section 1 (K S sec. 2741d-1) of said chapter 146 as the least popular subscription required, and the one mill on each dollar (\$1 00) named in said section and in section 3 (K.S sec. 2741d-3) thereof as the maximum limit of the tax levy authorized therein shall, for all separate class libraries provided for in this section, be based or levied upon each one dollar (\$1 00) of all property which is subject to taxation for other municipal purposes in such city or town owned by all persons of the race or races, respectively, to whom is given free access to said library building and library, provided, the minimum valuation of the library building erected or that may be hereafter erected by voluntary donations, as herein provided, for the exclusive use of the class or race known as the negro or colored race, shall be four thousand dollars in cities of the third, fourth and fifth classes and two thousand (\$2,000) in towns of the sixth class. [1932, c 94, s 1]

Sec 2741d-7 Division of revenue between the white and negro races. If a library building herein provided for has been or hereafter shall be erected from voluntary donations as herein named, for the separate and exclusive use of each of said races in such city or town and a library is or shall be maintained therein according to the provisions of this amendment for each separate race, the revenue derived from the one-half of all fines, forfeitures, and costs from the police court, appropriated in section 5 (K S sec 2741d-5) of said chapter 146 shall, when paid to the treasurer of the city or town, be credited to the library fund of said separate library organizations, respectively, in the proportion per capita as the total number of citizens of such city or town belonging to each of the respective races bears to the total population of the city or town as shown by the last preceding census made by the official authorities of the said city or town. The revenues derived from the ad valorem tax against property belonging to the respective races shall be credited to the library fund for which the levy was made, giving to each the amount collected on property of each race, respectively, viz: credit to the library fund for the white race the revenue received from the property of the white race and credit to the library fund

for the negro race the revenue received from the property of the negro race. Amounts received from ad valorem taxes on all property and any and all other taxes received for library purposes, shall be apportioned to the said library funds in the way and manner that is now or hereafter may be provided by law for common or graded school purposes. [1932, c.94, s.2.]

Sec 2741d-8. One race to receive all of revenue; when If in any of said cities or towns only one of the library buildings named and provided for in section 1 (K S. s 2741d-1) hereof has been or hereafter may be erected and a library installed therein for the separate and exclusive use of only one of the said races of said city or town, such free public library shall receive the full amount of the fines, forfeitures and costs appropriated in section 5 (K.S. s 2741d-5) of said chapter 146, and the full amount of taxes levied for library purposes on all the other property of said city or town subject to taxation for school purposes, except there shall be no tax levied on any property of the race who do not have free access to the said building and library. [1932, c.94, s.3.]

Sec 2741d-9. Members of board; appointment; term. Members of the first board of any public library herein provided for shall be appointed immediately after the tax is levied or subscriptions have been made and approved by the mayor or chief executives—one for one year, one for two years, one for three years and two for four years, thereafter the term of office shall be for four years and until their successors are appointed and qualified. [1932, c.94, s 4]

Sec 2741d-10. Warrant shall specify proper fund. Each warrant issued on claims allowed for such public library shall specify the proper library fund out of which it is payable if there are more than one library fund [1932, c 94, s 5]

Sec. 2741d-11 Petition requesting that library property be declared a free public library; appeal. The trustees and managing authorities of any library which they desire shall become a free public library herein authorized or a majority of the members of each thereof may file their petition with the common council or governing authority of such city or town or county requesting that such library property be declared a free public library as provided in said chapter 146, but no such library property shall be in any way affected by this law until such petition is so filed

The petition shall state the facts and conditions existing as required herein to become a free public library and shall be sworn to by one of the petitioners. The council or governing authority may require additional proof of the statements in the petition. An appeal may be taken from the decision of the council or governing authorities by any of the petitioners or any taxpayer of said city or town to the circuit court of the county. [1932, c 94, s.6]

Sec 2741d-12 Application of act. The provisions of this act shall not in any way apply to any free public library heretofore or hereafter organ-

ized under said chapter 146, except those libraries named in section 1 (K.S. sec. 2741d-6) of this amendment which shall hereafter be organized; but all provisions of said chapter 146, not inconsistent with this amendment, shall apply to all libraries named in section 1 (K.S. sec. 2741d-6) of this amendment. [1932, c.94, s.7]

E. COUNTY LAW LIBRARIES

(Carroll's Kentucky Stats. 1936, p 1253-1254, s.2438c-8 to 2438c-13.)

Sec. 2438c-8. Library at county seat; room or building to be designated; books that constitute; librarian; salary; duties; report; fine. There shall be established in the county seat of each county a county law library, and the fiscal court of each county shall designate sufficient room in the court house or in a building of good construction adjacent to the court house where such library shall be located and wherein the books of such library may be safely kept.

The books of such county law library shall consist of all volumes belonging to the Commonwealth of Kentucky which have heretofore been sent to the various county officials directed by law to receive such books, and all volumes which shall hereafter be sent to such library by the Commonwealth of Kentucky, and all books now owned by the county or hereafter acquired by the county for the library. The counties may acquire books, maps, or other articles for the library by purchase, gift or devise.

The circuit court clerk shall by virtue of his office be the librarian of said library, shall receive a salary of twenty dollars (\$20) per month to be paid by the county for his services as such, and he shall see that county and state officials have access to the library at reasonable hours each day except Sunday and holidays

He shall keep the library rooms in order, preserve, arrange and carefully index all the books, charts, maps and furniture belonging to the Commonwealth, and see that no books or other things are taken from the library rooms without a receipt being given therefor as herein required

He shall receipt for all books, maps and furniture placed in the library, which receipts shall be given to the state librarian and preserved in his office at Frankfort

He shall take an inventory in the month of December of each year of all the books, maps, charts or other property belonging to the Commonwealth and report said inventory under oath to the state librarian before the first day of January of the following year. If said report is not received by the state librarian as herein provided it shall be his duty to communicate with the clerk therefor and any clerk who is delinquent in making said report shall be fined five dollars (\$5) for each month or part of month said report is delinquent. [1930, c 63, s 1.]

Sec 2438c-9. Clerk to transfer books, etc.; when; receipt; liability on bond. Each clerk shall turn over to his successor separate inventories of all

books, stationery and other property that were in the library at the commencement of his term, and all that were placed in the library during his term; and each clerk shall receipt to his predecessor for all books, stationery, and other property in the library at the time he takes charge thereof, and shall be responsible upon his official bond for the value of all books lost from the library during his term of office [1930, c 63, s 2.]

Sec 2438c-10 Trustees; duties; appropriations for books, etc. The members of the fiscal court shall be trustees of the library. They shall see that the clerk properly discharges the duties herein required, and the fiscal court may appropriate out of the general fund of the court to pay for legal text books, decisions of the courts, of other states, and decisions of the Court of Appeals of Kentucky where books furnished by the state have been lost, mutilated or destroyed [1930, c.63, s 3]

Sec.2438c-11. Books; use of; who permitted to withdraw. Any person may use the books of the library in the library, but the clerk shall not permit any one to take the books out of the library except officials and attorneys-at-law shall be allowed to take the books to court rooms, to be used in the argument of cases there pending and not elsewhere [1930, c.63, s 4.]

Sec. 2438c-11a Clerk to give material to college libraries. The Circuit Court Clerk of each county, as Ex-Officio County Librarian, is hereby authorized at his discretion to give the Library of the University of Kentucky and to the libraries of the four State Teachers' Colleges, such non-current documents and reports and such other library materials, not needed by the county, as he may have in his possession [1934, c 96, s 1 Eff. June 14, 1934.]

Sec. 2438c-12 Record of books withdrawn; cost of books not returned. The clerk shall keep a record in which he shall charge each book to the person taking it from the library and he shall see that all books so taken are returned at the proper time If any person shall fail to return a book taken out by him, he shall be responsible to the clerk for double the cost thereof. [1930, c.63, s 5]

Sec. 2438c-13. Suit for books not returned; attachment; judgment. The clerk shall, in the name of the Commonwealth of Kentucky move for a judgment against any person under the procedure set out in Chapter V, Title X, of the Civil Code for a book drawn from the library which is not returned, and it shall be the duty of the county or Commonwealth's attorney to vigorously prosecute such proceeding and the Commonwealth may without bond have attachment for all such books, and any judgment rendered for any such books shall be for double the value thereof [1930, c.63, s.6]

F. PROTECTION OF LIBRARY PROPERTY

(Carroll's Kentucky Stats 1936, p.648, s 1264)

Sec. 1264. Defacing books and periodicals in public library or office. Any person who shall willfully cut or tear out of any book, newspaper, peri-

odical or any literary work or production whatever, any leaf, picture, painting or engraving, or in any other manner mutilate, destroy, or injure any such book, newspaper, periodical, or any other literary work or production whatever, kept in any public library, legislative hall, clerk's office, court room, sheriff's, judge's or county treasurer's office, shall be fined not less than twenty nor more than one hundred dollars. [1893, c.182, p.756, s.136.]

G. TAX EXEMPTION

(Carroll's Kentucky Stats 1936, p 2119, s 4026, p 111, s.170 Const)

LOUISIANA

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A. STATE LIBRARY

(Dart's Louisiana Gen Stats 1939, v 3, p 464-468, s 4461-4483, *Ibid* v 5, 1941
Pocket Suppl. p 206, s 7789 154)

Sec. 7789 154 **Superseded agencies abolished.** Every agency of which all of the functions are transferred to any other agency or agencies, or are discontinued by repeal of the statutes providing for such functions, is hereby abolished. This provision shall apply to the following-named agencies, whose functions are hereby transferred to the department of justice in the judicial department of the state government, in addition to the agencies from which functions are transferred by other provisions of this act.

* * * * *

The Secretary of State as to the public library of the state of Louisiana and the Louisiana State Law Library in the New Court-house Building at New Orleans. [Acts 1940, No. 47, Tit. 25, s.5]

Sec. 4461 **Library Established.** There shall be established a public library of the State of Louisiana, which shall be placed in the state house [R S. s.2179.]

Sec. 4462. **Appointment of librarian and assistant.** It shall be the duty of the secretary of the state immediately after the passage of this act, to employ a competent librarian at an annual salary not to exceed two thousand dollars, and an assistant librarian at an annual salary not to exceed eighteen hundred dollars, and both librarian and assistant shall be required to enter into good and solvent bond in the sum of five thousand dollars with the governor of the state for the faithful performance of their respective duties. [R S s.2180, Acts 1873, No 51, s.1.]

NOTE—The functions of the secretary of state relating to the state library are transferred to the department of justice by s 7789.154, above

Sec 4463. Additional assistant librarian authorized; salary. The secretary of state is hereby authorized to employ an additional assistant state librarian, at a salary of fifty dollars per month. [Acts 1902, No.198, s 1]

See note under section 4462

Sec. 4464 Bond of librarian. Before entering upon the duties of his office, the librarian shall give bond to the state of Louisiana, in the sum of five thousand dollars, with sufficient security to the satisfaction of the governor, and conditioned, as the law directs, for the faithful performance of his duties, and the proper care and custody of the books and papers delivered to him. The bond shall be deposited in the office of the Secretary of State [R S , s 2181]

See note under s 4462

Sec 4465 Inventory made. Before the librarian shall take possession of the state library, an inventory shall be taken of the books and papers, clearly and distinctly setting forth all the printed books and the manuscripts which shall be placed under the care and custody of the librarian. The inventory shall be taken under the inspection of the secretary of state and state treasurer [R S , s 2182]

See note under s 4462

Sec. 4466 Number of copies of inventory. Two copies of said inventory shall be made, both certified to be correct by the signatures of the secretary of state, of the librarian, and of the state treasurer. One of said copies shall be deposited in the office of the secretary of state, and the librarian shall retain the other [R S , s 2183]

See note under s 4462

Sec 4467 All books to be in charge of librarian. All books, statutes, manuscripts, plans, maps, papers, and documents of every description belonging to the state, shall be placed under the charge and responsibility of the said librarian [R S., s 2184]

Sec 4468. Preparation of catalogues. In addition to the inventory required to be made, it shall be the duty of the librarian, immediately after his appointment, to make two exact catalogues, so as to class separately the books and documents which are to be preserved from those which are to be distributed or for sale [R S , s 2185]

Sec. 4469 Rules established by secretary of state. The secretary of state shall establish such rules, regulations and restrictions, not inconsistent with law, in relation to the library, as he may deem proper, and from time to time alter and amend the same [R S., s 2186]

See note under s 4462.

Sec 4470. Attendance of librarian. It shall be the duty of the librarian to attend every day, Sundays and legal holidays excepted, and to see that the library confided to his care shall suffer no injury, and in case of neglect or inattention to his duties, the secretary of state shall forthwith remove him. [R S , s.2187,]

See note under s 4462.

Sec. 4471. Hours when library shall be open. The librarian shall keep the library open daily from eight o'clock a.m. to five o'clock p.m., Sunday and legal holidays excepted. [R.S., s.2188]

Sec. 4472 Return of books by librarian on retiring from office. The librarian, on retiring from office, shall be bound to account for all the books and papers which may have been mentioned in the inventory, and such as he may have received since, and in case the books can not be accounted for, or procured, he shall pay such a sum not exceeding the amount of the bond, as by the secretary and treasurer of state shall be deemed a sufficient compensation for the loss of such books. [R S., s 2189]

Sec. 4473. Library free to all citizens of state. Every citizen of this state shall have free access to the library, provided no book be taken out of the same, except when for the use of either branch of the legislature. [R.S., s.2190]

Sec 4474 Librarian authorized to make exchanges. The state librarian is authorized, under the direction of the secretary of state, to exchange with the several states of this Union, or with any foreign government, scientific institute, or person, any books of this state; such as reports of the Supreme Court, Codes, Digests, Statutes, etc., for other books [R S., s 2191]

Sec. 4475 Duties of secretary of state. All the books of the state, those for distribution among the courts and parishes, and the public officers, as well as those remaining permanently in the state library, shall be placed under the control of the secretary of state, who shall direct and see that this duty is performed by the state librarian. [R S., s 2192.]

See note under s.4462

Sec 4476. Distribution of acts and journals of legislature and Supreme Court reports. The secretary of state is hereby instructed to deliver or forward by mail or express or otherwise, prepaid, to each officer and member of the general assembly a copy of the current acts, and journals of the house and senate. He shall cause to be delivered to each of the Court of Appeals, circuit and district courts of the United States in and for the state of Louisiana, one copy of the acts and one copy of the Supreme Court reports, to the clerk of the Supreme Court of the state, for the use of said court, seven copies of the acts and journals and of the reports of the Supreme Court, and to the clerk of each district court throughout the state, one copy of said acts and reports of the Supreme Court for the use of the said courts

He shall cause to be delivered to each of the following officers, to-wit: The recorder of mortgages, register of conveyances, president of the state and city boards of health, at New Orleans, mayor of cities, towns and incorporated villages, presidents of police juries, of school boards and levee boards, assessors and state tax collectors, presidents of state universities, industrial institutes, blind institute, deaf and dumb institute, insane asylum, charity hospitals, leper hospital, Gulf biological station, and to Fisk Free

Library, Howard Memorial Library, and other public libraries in Louisiana, and to each state officer and justice of the peace, one copy each of the said acts. [R.S., s.2194.]

Sec. 4477. Ownership and preservation of books. All books so distributed to state or other officers, except to members of the legislature, shall be and remain the property of the state of Louisiana, and such books shall be for the use of the office, and shall be by the officer receiving them delivered over to his successor in office, except in case of the removal or resignation of such officer, he shall deliver such books forthwith to the clerk of the district court, in the parish in which his said office is located, taking a receipt therefor from such successor or clerk, which said receipt or a copy thereof, duly certified by such clerk, shall be filed in the office of the secretary of state by such clerk or successor so receiving the same. It shall be proper for the secretary of state to cause to be delivered all books herein authorized to be distributed to parish, city or town officers, to the clerk of the district court in and for the parish in which such officers are located, to be by such clerk delivered to such officers, and such clerk shall take a receipt for all books so delivered from the officer receiving the same, and file a certified copy thereof in the office of the secretary of state. Any person neglecting or refusing to so deliver such books to his successor in office, or to the clerk of the district court, as hereinbefore provided, after demand thereof made, shall be subject to a fine of fifteen dollars for each and every book so withheld, to be recovered before any parish judge, with costs of suit, at the complaint of such successor, or clerk, or the district or parish attorney, to be prosecuted on request by the district or parish attorney. [R.S., s 2195]

Sec. 4478. Books to be marked and recorded. The secretary of state shall cause to be marked in a proper manner, upon the outer cover of each book distributed, the name of the state of Louisiana, and for what use such book is intended. The secretary of state shall keep a record of all books so distributed, to what officers, when and for what purpose distributed, and he shall take a receipt therefor from the person to whom the same are delivered. He shall furnish to each person hereafter elected or appointed to any office entitling such person to the receipt of any book or books, under the foregoing provisions of this act, within a reasonable time after the election or appointment of such person to such office, a certified list, under the seal of state, of all books to which such person is, by the provisions of this act, entitled. [R.S., s.2196.]

Sec. 4479 Exchange with other states. The secretary of state shall transmit, free of postage, to the library of congress, to the Smithsonian Institute, and to the governor of each state and territory of the United States, a copy of each of such acts, journals, documents, Civil Code, Code of Practice, Revised Statutes, and such reports of the decisions of the Supreme Court as may be necessary to complete their sets of the same,

accompanied with a request of a similar favor and like return to be made to the governor of this state of the laws, documents and reports of the United States and of the respective states and territories. [R.S., 2197.]

Sec. 4480. Disposition of books not distributed. The remainder of said books, not so distributed as aforesaid, shall be deposited in the state library, five copies whereof shall not be permitted to be taken from the library; the remaining copies only for the use of the members of the legislature and state officers on their receipt therefor duly given, and in such case shall not be removed from the state buildings, but shall be returned to the library at the close of the session of the then legislature, or within one week from the date of such removal

The secretary of state, is hereby authorized to sell such copies, more than twenty, remaining after distribution, made as aforesaid, and the proceeds of such sale shall be used in the purchase of books for the library. [R.S., s 2198.]

Sec 4481 Public records and printed matter issued by state; deposit in libraries. The policy of collecting, preserving, and making accessible to students, and others interested in public records, all printed matter and source material relating to the governmental functions of the state, throughout its history, is hereby declared a public duty, the performance of which requires the establishment of depositories for the acquisition, custody, and administration of these archives. To accomplish this purpose the Louisiana Library Commission and the library of every college and university in the State, maintained by taxation, are hereby constituted depositories for the public documents printed and distributed by any officer, board, department, court, or other agency of government, in the State of Louisiana, and it is hereby made the duty of the librarian in charge of every library, functioning as a depository of public documents under the provisions of this act, to acquire therefor the records and printed matter herein provided for [Acts 1928, No. 82, s 1]

NOTE—Custody and control of public records and documents transferred to State University and Agricultural and Mechanical College, see s 7798 141, 2532 1, 2532 2, 2532.6—2532 8

Sec 4482 Duties of secretary of state and librarians; recorder of archives. For the guidance of librarians of depositories of public documents created by this act, it shall be the duty of the secretary of state to include in his printed report the character and frequency of the records or other publications printed by every agency of government in this state. To this end he shall appoint a recorder of archives in his office, and direct and supervise such appointee in the administration of this act. Two copies of every report of the secretary of state containing the list specified herein of public documents printed and distributed in this state shall be sent to each depository of public documents. It shall be the duty of the librarian of such depositories, with the assistance of the reports of the secretary of state, to check the receipt of public documents entrusted to their custody, and to produce complete sets thereof. [Acts 1928, No. 82, s.2.]

Sec. 4483. Duty to furnish documents and reports to libraries. It shall be the duty of every department, board, officer or other public agency in this state responsible for the printing and distribution of the laws, decisions, reports, ordinances, or other public documents, included in the purposes of this act to supply each library, hereby made a depository of public documents, with two copies of every printed document issued thereby and to replace any losses or miscarriages in the transportations of such documents. [Acts 1928, No 82, s 3]

B. LIBRARY COMMISSION

(Dart's Louisiana Gen Stats 1939, v 3, p 461-463, s 4455-4460, *Ibid* 1941 Pocket Suppl p 67-68, s.4458.1, 4458 2, *Ibid*. v. 5, 1941 Pocket Suppl p 199, s 7789.141)

Sec. 7789 141. Louisiana State University and Agricultural and Mechanical College. The functions of the Louisiana library commission, the board of curators of the state museum, Memorial Hall (at New Orleans), and the Louisiana historical society to the extent that the functions of that society relate to custody of public records and archives of the state, except as otherwise expressly provided by this act, are hereby transferred to, and vested in, the Louisiana State University and Agricultural and Mechanical College. [Acts 1940, No 47, Tit. 24, s.2]

Sec. 4455. Commission created. There is hereby created a state library commission, to be known as the "Louisiana Library Commission " Said commission shall be assigned permanent quarters in the city of Baton Rouge, and as soon as possible in the state-house [Acts 1920, No 225, s 1]

NOTE—By the provisions of s 7789 154 (quoted under "State Library" section) the library commission is abolished, since its functions are transferred to the State University and Agricultural and Mechanical College

Sec 4456. Members of commission ; appointment. The commission shall consist of five people appointed by the governor, with the advice and consent of the senate, at least two of whom shall be women The governor shall fill all vacancies for unexpired terms. [Acts 1920, No 225, s.2]

Superseded See note above

Sec 4457 Chairman, secretary, and assistants of commission. The officers of the commission shall be a chairman selected from the members thereof, for a term of one year, and a secretary, who shall be a trained and experienced librarian, not a member of the commission, appointed by the commission under such conditions and for such compensation as the commission shall deem adequate. Said secretary shall keep a record of the proceedings of the commission; keep accurate accounts of its financial transactions; have charge of its work in organizing new libraries and improving those already established, supervise the work of the traveling libraries; and in general perform such duties as may from time to time be assigned him or her by the commission. Said commission may also employ such other assistants as shall be required for the performance of the commission's work, who shall serve under such conditions as the com-

mission shall determine. In addition to their salaries, the secretary and assistants shall be allowed their actual expenses while absent from the commission office in the service of the commission. The term "trained and experienced librarian" is for the purpose of this law defined as a man or woman who shall have had at least one year's training in a library school, and at least three years' successful experience as head of a free public or institutional library or as an assistant of high rank in such library. [Acts 1920, No. 225, s 3]

See note under s 4455

Sec. 4458. Powers and duties of commission. The work of the commission shall be to give advice to all schools, state institutional and free public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management. It may send any of its members to aid in the organization of such libraries or to assist in the improvement of those already established. It may also receive gifts, of books, money, or other property, which may be used or held in trust for the purpose or purposes given, may purchase and operate traveling libraries, and circulate such libraries within the state among communities, libraries, schools, colleges, universities, library associations, study clubs, and charitable and penal institutions, under such conditions and rules as the commission may deem necessary to protect the interest of the state and best increase the efficiency of the service it is expected to render the public. It may publish lists and circulars of information, and may co-operate with other library commissions and libraries in the publication of documents, in order to secure the most economical administration of the work for which it was formed. It may conduct courses or schools of library instruction and hold library institutes in various parts of the state, and co-operate with others in such schools or institutes. It may also conduct a clearing house for periodicals for free gift to local libraries and shall perform such other service in behalf of public libraries as it may consider for the best interest of the state.

In connection with and under the supervision of each normal school in the state and the president of the state university the commission may arrange for a course of lectures every year at each of the said normal schools and the said state university on book selection, the use and care of books and the cataloging and administration of school libraries. It may co-operate with the state board of education in devising plans for the care of school libraries, in aiding teachers in school library administration, and in formulating rules and regulations governing the use of such libraries throughout the state. Such suggestions, rules, and regulations for school libraries are to be promulgated through the state superintendent of public education. [Acts 1920, No 225, s 4.]

NOTE—Powers and duties of the superintendent of education are transferred to the department of education, see Dart's La Stats., 1940 Suppl s.7789.51 to 7789.56.

Sec. 4459. Biennial report of commission to governor. The commission shall make a biennial report to the governor, which report shall show library conditions and progress in Louisiana, and shall contain an itemized statement of the expenses of the commission. This report, when printed, shall be presented to the general assembly of the state. It shall be printed and bound by the state under the regulations governing the printing of other reports of the executive officers of the state, and it shall be distributed by the library commission. [Acts 1920, No. 225, s 5]

Sec. 4460. Reports of free libraries to commission. The commission shall each year obtain from all the free public libraries of Louisiana reports showing the condition, growth, development and conduct of said libraries, and similar reports from other libraries in the state at its discretion, which reports shall be incorporated in said biennial report. [Acts 1920, No. 225, s.6]

Sec 4458 1. Donations from United States. The Louisiana library commission is hereby named and designated as the proper state agency to accept, receive and administer any funds or moneys granted, furnished, provided, appropriated and dedicated or made available by the United States or any of its departments, commissions, boards, bureaus or agencies for the purpose of giving aid to libraries and providing educational library service for adults in the state of Louisiana. [Acts 1940, No. 56, s 1]

Sec 4458.2 Applications accounts and compliance with regulations authorized. The Louisiana library commission is authorized to file any and all applications and make any and all reports and keep and render any and all accounts required or specified by federal law or regulation with reference to securing, administering and using all such funds and moneys for said purposes in the state of Louisiana. [Acts 1940, No. 56, s 2.]

Sec 2532.2. Officials authorized to turn over documents; certified copies.

NOTE—The Administrative Code of 1940 transferred the powers and duties of the Louisiana Library Commission, the board of curators of the state museum, and of the Louisiana Historical Society, in so far as the custody of public records and archives of the state were concerned, to state university, see Dart's Stat, s 7789 141)

C. STATE BOARD OF LIBRARY EXAMINERS, DEPARTMENT OF OCCUPATIONAL STANDARDS

(Dart's Louisiana Gen Stats. 1939, v 3, p 471-472, s 4495, 4496; *Ibid* 1940 Pocket Suppl v 5, p 173-175, s 7789 57 to 7789 62)

Sec. 4495 State board of library examiners; examination of applicants for library positions. There is hereby created a state board of library examiners to be composed of three members, all of whom must be experienced and trained librarians, appointed and chosen by the Louisiana library commission, whose duties and powers shall be to meet and organize and elect officers by electing one chairman and a secretary. The said board

of library examiners shall have authority to establish rules and regulations for its government and prescribe examinations, qualifications, conditions and requirements for those seeking certificates or permits to practice the profession of librarian. That the board shall hold at least one examination a year for the purposes of examining applicants for certificates as librarian at the office of the Louisiana library commission in Baton Rouge and may hold other examinations at other places in the state as may suit the convenience of the board and the applicants. Said board members shall be appointed and hold office for a term of four years. [Acts 1926, No. 36, s.12.]

Sec. 4496. Annual reports by board of library examiners. The board of library examiners shall report annually to the Louisiana library commission, furnishing such statistical information as may be required by the commission.

All applicants for the certificates as librarian shall be required to deposit and pay to the Louisiana library commission a fee of five (\$5.00) dollars and, if the applicant passes successfully the examination, will be given a certificate by the board of examiners. All fees collected by the board shall be turned over by it to the Louisiana library commission to defray the incidental expenses for certificates, traveling expenses, stationery, postage, etc. The members of the board shall serve without pay. [Acts 1926, No. 36, s. 13.]

NOTE—"Fiscal Code of 1940 made the state treasurer the exclusive custodian of funds of the state, or of any agency thereof, and provided an exclusive method for the disbursement of such funds," see Dart's Louisiana Statutes, 1940 Supplement, § 6631.38—6631.50, 6631.61.

Sec. 7789.57 Department of occupational standards; functions of the department. The functions of the department of occupational standards, except as otherwise expressly provided by this act shall comprise all functions of the state now or hereafter authorized by law to be exercised in relation to the administration of laws requiring tests of qualifications for licenses to practice professions and vocations and the functions of licensing practitioners and regulating the practice of such professions and vocations, except as to examining and licensing for the practice of optometry, nursing, pharmacy, medicine, and dentistry, admission to the bar, and examination and certification of school teachers, and as to chauffeurs operating common carrier motor vehicles. All fees for licenses or other services shall be deposited in the state treasury and all the expenses of the department shall be paid from the treasury under specific appropriations therefor. The examining and licensing of applicants for admission to practice the several professions and vocations, and the regulation of such practice, are hereby declared, as a matter of public policy, to be fundamental and inherent rights of the people of the state to be administered in their interest, and not rights of the members of the several professions and vocations to be administered for their advantage. All laws of the state providing for such examining, licensing, and regulation shall be administered with due regard to the policy so declared. [Acts 1940, No. 47, Tit. 9, s.1.]

Sec. 7789.58. Transfers of functions. All such functions as are described in the next preceding section, heretofore exercised by any agency, are hereby transferred to, and vested in, the department of occupational standards. Specifically, the functions so transferred and vested, except as otherwise expressly provided by this act, shall include, by way of extension and not of limitation, such functions of

The State Board of Library Examiners. [Acts 1940, No. 47, Tit. 9, s.2.]

Sec. 7789.59. Organization of the department. The department of occupational standards shall consist of the position of director of occupational standards, the several boards enumerated under this title (ss 7789.57-7789.63), the divisions of administration, inspection and regulation, and examinations, which are hereby created, and such other divisions as may be provided in accordance with law [Acts 1940, No. 47, Tit. 9, s.3.]

Sec. 7789.60. Head of the department. The director of occupational standards shall be the head of the department. He shall be appointed in such manner and shall have such powers and duties with respect to the department, as this act provides for heads of departments. The director shall not be a practitioner of any of the professions or vocations subject to testing or regulation by the department and shall not have any financial interest in any college or other school which offers any course of instruction or training in any of the professions or vocations so subject, as teacher, officer, or stockholder. [Acts 1940, No. 47, Tit. 9, s.4.]

Sec. 7789.61. Boards of the department. The several examining boards heretofore existing, as enumerated in section 2 (s 7789.58) of this title, are hereby continued. The examining boards shall be vested with such powers with respect to the several professions and vocations under their jurisdiction as are herein provided for boards of departments and, except as otherwise expressly provided, shall be subject generally to the provisions of this act in relation to boards of departments. In addition, they shall approve all examinations for licenses before they are given and shall authorize the issuance, suspension, and revocation of licenses to practice, in their respective fields, before action thereupon shall be deemed effective and their decisions in such matters shall be final and conclusive. They shall have power to adopt rules within the scope of their powers, on their own initiative, after giving reasonable opportunity to the director to make recommendations thereon, and after giving due consideration to any such recommendations made by the director. They shall be compensated at a rate of not to exceed ten dollars a day or part of a day spent in meeting on a different day from any other meeting of the same board [Acts 1940, No. 47, Tit. 9, s.5.]

Sec. 7789.62. Divisions of the department. The functions of the department, other than those of the several boards, shall be exercised by the director through the divisions specified in this act, and such other divisions as may be provided in accordance with this act. The record and administrative work, the examining, and the field inspection and enforcement work, shall

be centralized in the separate divisions provided There shall be provided an examining staff qualified to develop and apply, with the advice and cooperation of the members of the several professions and occupations involved, the most effective examining procedures that it is practicable to devise The director shall from time to time consult members of such professions and vocations, as individuals and in groups, with reference to professional and vocational standards and other matters affecting the several occupations He may appoint from time to time advisory committees from among the members of the several professions and vocations, as he deems necessary, to advise and assist him and the boards in preparing rules and regulations for approval by the several boards, and to assist him and the boards in the preparation, conduct, or rating of examinations He may employ temporarily, from time to time, subject to the provisions of law and the appropriations provided, such persons trained in the several professions as may be necessary to assist in the preparation, conduct, or rating of examinations. A single field force organized to cover the state shall be provided to make, so far as practicable, all the inspections and investigations necessary for all the professions and vocations subject to regulation, examining, or licensing by the department, which shall cooperate with the field forces of the departments. [Acts 1940, No 47, Tit. 9, s.6]

**D. STATE UNIVERSITY AND AGRICULTURAL AND
MECHANICAL COLLEGE—LIBRARY AND
DEPARTMENT OF ARCHIVES**

(Dart's Louisiana Gen Stats. 1939, v 2, p 169-170, s 2532 1, 2532 2, 2532 6-2532 8.)

Sec. 2532 1 Collection of historical records and documents. The Louisiana State University and Agricultural and Mechanical College is hereby authorized, through its department of archives, to receive and collect public records or documents and materials bearing upon the history of the state, to edit and publish official records and other historical materials, and to make a survey of the official records of the state, its parishes and other subdivisions [Acts 1936, No. 258, s 1]

Sec. 2532 2 Officials authorized to turn over documents; certified copies. Any state, parish or other official is hereby authorized and empowered to turn over to said department of Louisiana State University and Agricultural and Mechanical College for permanent preservation therein, any books, records, documents, newspaper files, original papers or manuscripts not in current use in their offices When so surrendered, copies therefrom shall be made and certified upon application of any party interested, which certification shall have the same force and effect as if made by the officer originally in custody of them, and for which the same fee shall be charged as would have been charged by the official originally having custody of such documents and records, and said fee when so collected by the department of archives, shall be remitted promptly to said official. [Acts 1936, No 258, s.2; 1938, No. 342, s 1.]

Sec. 2532.6. Law library as depository for copies of transcript of appeal cases. For the purpose of preserving a duplicate file of one of the triplicate copies of each transcript of appeal of cases finally disposed of by the Supreme Court of Louisiana, and for the further purpose of providing a duplicate file of each of the briefs lodged in the Supreme Court of Louisiana, the Louisiana State University law library is hereby designated as a depository to receive said documents from the clerk of the Supreme Court of Louisiana and to catalogue, index, file and preserve the said documents [Acts 1938, No. 167, s.1]

Sec. 2532.7. Duties of clerk of Supreme Court. The clerk of the Supreme Court of Louisiana is hereby directed to deliver to the law library of the Louisiana State University, the aforesaid designated depository, a copy of each brief filed in the Supreme Court, and to deliver to said depository a copy of the transcript when each case shall have been finally disposed of by the Supreme Court. Provided, that any records so deposited may be recalled at pleasure by requisition of the chief justice, any associate justice or by the clerk of the Supreme Court [Acts 1938, No. 167, s.2.]

Sec. 2532.8 Duty of clerk of Supreme Court and depository. The clerk of the Supreme Court of Louisiana is hereby further directed to turn over to the law library of the Louisiana State University a depository, any duplicate copies of each transcript and brief in the files of the Supreme Court and it shall be the duty of said depository to catalogue, index and preserve said documents [Acts 1938, No. 167, s.3]

E. PARISH AND MUNICIPAL LIBRARIES

(Dart's Louisiana Gen. Stats 1939, v 3, p 468-471, s 4484-4494, 4497-4499, *Ibid.* v.4, p.150, s 5423 [6th])

Sec 4484. Establishment of public libraries in parishes and municipalities. The governing authority of any parish or municipal corporation in this state, the city of New Orleans and parish of Orleans excepted, may of its own initiative create, establish, equip, maintain, operate and support a public library in such parish or municipality and shall create, establish, equip, maintain, operate and support such a public library when not less than twenty-five per cent of the duly qualified property taxpayers resident in such parish or municipality shall petition the governing authority thereof to establish such a public library for such parish or municipality. Provided that two or more parishes may join in the establishment of a public library to be supported and maintained by them jointly in the proportions as may be determined by the police juries of the respective parishes or other governing authority, and provided that a parish and one or more municipal corporations may jointly establish, maintain and operate a public library and provided also that one parish or municipality may contract with another parish or parishes, municipality or municipalities to furnish library service upon such terms and conditions and for such considerations as the governing

authorities concerned may stipulate and agree by written contract pursuant to ordinances duly passed by them. [Acts 1926, No. 36, s.1.]

Sec. 4485. Ordinances establishing library; location of library. A public library under this act shall be created by an ordinance regularly passed and adopted by the police jury of the parish, or other governing authority thereof, and the municipal council or other governing authority of such municipality. Provided that all parish libraries shall be established at the parish site and the municipal libraries within the corporate limits of the municipality so creating and establishing them. Provided further that branch libraries may be established and maintained by either a parish or municipal library as the public demands require [Acts 1926, No. 36, s 2]

Sec. 4486. Acquisition of site and creation of buildings; bond issue. For the purposes of acquiring a site or grounds or erecting a building or buildings thereon or additions thereto, the governing authority of the parish or municipality, as the case may be, shall be authorized to either anticipate the revenues of such parish or municipality and issue bonds or certificates based thereon under the provisions of the existing laws or submit to the taxpayers qualified to vote at a special election to be called and held in such parish or municipality by and under the governing authority thereof, pursuant to the laws of the state for holding such elections, to vote negotiable bonds, within the limitations authorized by law, for the purposes of acquiring a site and building or buildings and erecting a building of additions thereto for a public library in such parish or municipality and to thereafter levy and collect taxes to pay and retire such bonds, should the same be authorized at such election [Acts 1926, No. 36, s 3]

Sec. 4487 Board of control. The governing authority of such parish or municipality shall, in the ordinance creating a public library, name and appoint five citizens of such parish or municipality as a board of control for such public library to serve for terms of one, two, three, four and five years and their successors shall each be appointed for a term of five years, provided that the president of the police jury or mayor of the municipality shall be ex officio a member of the board of control of such public library. [Acts 1926, No. 36, s 4]

Sec. 4488. Powers and authority of board of control. The board of control shall meet and organize immediately after their appointment and annually thereafter and elect one member president, another vice-president, another secretary and another treasurer, whose duties shall be those customarily exercised by such officers. The board of control shall have power and authority to establish rules and regulations for its own government and that of the library not inconsistent with law and shall have authority to elect and employ a librarian and upon her recommendation and approval assistant librarians and other employees and fix their salaries and compensation, provided they shall not contract for a longer period than four years nor with any person as head librarian who has not been certified by the state

board of library examiners as in this act provided for; provided the head librarian may be appointed, or elected secretary of the board of control. [Acts 1926, No. 36, s.6.]

Sec. 4489. Annual reports made to Louisiana library commission. It shall be the duty of the president of the board of control and the librarian of every public library established and maintained under this act to make annual reports to the Louisiana library commission giving such statistics and other information as may be required by the commission and such reports to be made at such time and on such blanks or forms as the commission may require and provide. The governing authority of the parish or municipality establishing the public library and creating the board of control may also require reports annually or quarterly or both of the board or its president. [Acts 1926, No. 36, s 6]

NOTE—Powers and duties of Library Commission transferred to State University and Agricultural and Mechanical College, see s 7789 141

Sec. 4490 Special tax elections provided. The governing authority of such parish or municipality may on its own initiative and shall when requested by a petition of not less than twenty-five per cent of the duly qualified property taxpayers resident submit to the property taxpayers a proposition to vote a special tax within the limitations as to mileage and years, as provided by the constitution and laws of this state for the maintenance and support of such public library and its branches, which tax, if voted, shall be levied and assessed annually as authorized by the voters and collected and used exclusively for the support and maintenance of such public library. That in all cases where a public library is jointly established and maintained each parish and municipal corporation concerned shall contribute its pro rata or equitable share of the costs and expense and each shall be as nearly as possible equally represented on the board of control, the presiding officer of each governing authority being an ex officio member of such board of control. All parishes or municipalities receiving library service from another parish or municipality shall be authorized to contract and pay for the same either out of general fund or out of special funds voted, levied and collected for the purpose and the parish or municipality so receiving such funds for such service shall use and expend the funds for library purposes only. [Acts 1926, No. 36, s 7]

Sec 4491 Costs; how borne. The costs of establishing and maintaining a parish public library shall be borne by the entire parish including the incorporated towns therein and all taxes levied and assessed, whether general or special, for the establishment, support and maintenance of such parish public library shall be borne proportionately by all of the property of the parish including that within incorporated municipalities, unless in the ordinance creating the parish public library the municipality is expressly excluded because of its exemption from parochial taxation or because such municipality owns, maintains and operates its own public library, and in

such cases will not be entitled to library service, except upon such terms and conditions as may be agreed upon as provided in section 4484 of this act. Nor shall the residents or taxpayers of such excluded municipality be counted in making up the number of petitioners required in section 4484 and 4490 of this act [Acts 1926, No 36, s.8.]

Sec. 4492 Merger and consolidation of libraries. All municipalities already owning and maintaining public libraries may become a part of the parish public library, either the head library, if located in the parish seat, or a branch library, if located elsewhere in the parish, upon such terms and conditions as may be agreed upon between the governing authorities of the parish and municipality affected by ordinances regularly and legally passed and adopted evidencing such a merger and consolidation, provided that in all cases where the municipality has bound or obligated itself to maintain and support the public library in order to keep inviolate any trust, gift or bequest for such purposes, that the parish into which such municipal library is merged shall assume and become responsible for the faithful performance of the obligation and the execution of the trust assumed by the municipality [Acts 1926, No 36, s.9]

Sec. 4493 Expense; how paid. The expenses or costs of maintenance of the public library, including the salaries of librarian and assistants and other employees and other incidental expenses, shall be paid monthly by the governing authority establishing the library, upon the approval of such expenses and maintenance costs by the board of control of such library, out of the funds specially budgeted from the general fund for library purposes and, in default thereof, out of special taxes voted, levied and collected by the governing authority for the library's support and maintenance [Acts 1926, No 36, s.10]

Sec 4494 Gifts and donations; right to accept. The board of control of every public library created and maintained under the provisions of this act shall be authorized to receive and accept unconditional gifts, donations and contributions from individuals and corporations, but no gifts or donations conditionally made shall be accepted without the approval of the governing authority of the parish or municipality creating the public library. All moneys, property and other things of value given or contributed to a public library shall be turned over to the treasurer of the board of control and shall be expended or invested by the librarian with the approval of the board of control [Acts 1926, No 36, s 11]

Sec 4497. Constitutionality of act. No judgment of court declaring a part of this act unconstitutional shall affect the remainder of the act, if the same standing alone is constitutional [Acts 1926, No. 36, s.14]

Sec 4498. Municipalities empowered to own and maintain libraries. All municipal corporations in the state of Louisiana, whether incorporated under general or special laws, are hereby authorized and empowered to receive by donation, to purchase, own, maintain, control and operate one or

more public libraries, the title to which shall rest in the municipality. [Acts 1920, No. 185, s.1.]

Sec. 4499. **Funds for maintenance.** Municipalities may use any of their revenues not otherwise appropriated for the purchase, equipment, maintenance and operation of said library, or libraries [Acts 1920, No. 185, s.2.]

Sec. 5423. **Additional powers of mayor and aldermen.** The following additional powers are conferred on the mayor and aldermen of cities and towns, but not of villages, viz :

(6th) To maintain one or more libraries for public use, and to regulate the use thereof. [Acts 1898, No. 136, s 16]

F. SCHOOL LIBRARIES

(Dart's Louisiana Gen Stats 1939, v 2, p 79-81, s 2337-2342)

Sec. 2337 **Parish school boards; appropriation of funds for school libraries; conditions.** Whenever the patrons and friends of any individual school or grade of the free public schools in which a library has not already been established by aid of the parish board of school directors, shall raise by private subscription or otherwise and tender to the treasurer of the parish public school funds, for the establishment of a library to be connected with such school or grade, the sum of ten dollars, and the parish treasurer has so advised the secretary of the parish board of school directors, the said board at its next quarterly meeting shall appropriate from the public school funds the sum of ten dollars for this purpose, and shall appoint the teacher in charge of said school or grade the manager of such libraries, provided further, that at times other than during the school term, the library shall be kept in a locked case provided for under this act [Acts 1906, No 202, s 1]

Sec 2338 **List of books and prices furnished by state superintendent of education.** As soon as the secretary of the parish board of school directors shall have received notice from the treasurer of the parish public school funds (and said notice should be served by the said treasurer, within five days after receipt of same) that a donation for a library for a certain school or grade has been made, the said secretary shall inform the state superintendent of public education of the fact, whereupon the said state superintendent shall furnish the said secretary a list of public school library books and prices therefor, said books and prices having been approved by the state board of education. [Acts 1906, No 202, s.2]

Sec 2339. **Selection and payment for books; bookcases.** Within five days after the parish board of school directors shall have made an appropriation for a library, the president and secretary of the board, with the assistance of the teacher in charge of the school or grade for which the appropriation was made, shall select from the aforesaid approved list of books for public school libraries, a list of books to be purchased for the said library, and shall submit the list of books to be purchased to the secretary of the board, who shall order the books at once, and payment for same shall

be made by warrant upon the treasurer of the parish public school funds signed by the president and secretary of the parish board of school directors. Upon application of the parish superintendent, the parish board of school directors shall furnish, to each library, at the expense of the public school funds, a neat book case, with lock and key. [Acts 1906, No. 202, s.3.]

Sec. 2340 Rules and regulations for libraries. The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be established by the state superintendent of public education, and shall on or before the tenth day of January of each year make to the state superintendent of public education such reports as he may require. [Acts 1906, No. 202, s.4.]

Sec. 2341. Appropriations to match subsequent private subscriptions When the patrons and friends of any individual school or grade of the public school in which a library has been established for one year under the preceding sections of this act, shall raise by private subscription or otherwise and tender to the treasurer of the parish school funds the sum of five dollars for the enlargement of the library, the parish board of school directors shall appropriate from the money belonging to that school or grade not less than the sum of five dollars nor more than fifteen dollars. The money thus collected and appropriated shall be used for the enlargement of libraries already established under the same rules and restrictions as govern the establishment of new libraries; provided, that no more than one such appropriation shall be made each year for each school or grade. [Acts 1906, No. 202, s 5]

Sec 2342 Penalty for destroying or carrying away library property. The legal possession and ownership of the books, cases and other appendages of the school or grade library, shall be and remain in the parish board of school directors and their successors in office, and the felonious destruction or taking and carrying away thereof, or any part thereof, or of any books, article, apparatus or furniture, from or belonging to any public school house owned or used for public school purposes shall and is hereby declared to be larceny, and the breaking into such school house at night, with intent to commit larceny, as herein set forth, or any felony, shall and is hereby declared to be burglary, and any larceny or burglary so committed shall be punished as in other cases under existing statutes. [Acts 1906, No. 202, s.6]

G. COURT OF APPEALS LIBRARY, FIRST CIRCUIT

(Dart's Louisiana Stats., 1939, v.1, p 658, s.1447)

Sec. 1447. Library Room; Baton Rouge. A working library with room shall be furnished said judges in the city of Baton Rouge. [Acts 1914, No. 89, s.3.]

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A. STATE LIBRARY

(Maine Rev Stats 1930, p 90-92, ch 4, s 1-16, as amended by Laws of 1940, ch 305 and Laws of 1941, ch 279, Laws of 1931, p 303, ch 125, s 21, Laws of 1933, ch.19, s.121, Laws of 1941, ch 161)

Ch. 4, Sec. 1. **State library under supervision of state librarian.** The Maine state library shall be under the management and supervision of the state librarian who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents. All books, documents, pamphlets, manuscripts, records, archives, maps, pictures, and all other works of art, science and literature, and all annual, biennial, and special reports of departments, officers and institutions controlled or supported by the state, and all other property appropriate to a general library, if owned by the state, and all books and documents and publications received by anyone thru purchase, gift, exchange or loan, from any source, for use of the state, shall constitute the Maine state library. [1921, c.210, s.2]

Sec. 2. **Appointment of librarian and assistant librarian.** The governor by and with the advice and consent of the council, shall appoint a librarian of the Maine state library who shall serve for a term of 4 years, and until his successor is duly appointed and qualified and give bond to the state for the faithful performance of the duties of his office. The librarian shall appoint an assistant, who shall perform the duties prescribed by him, and shall give bond to the librarian for the faithful performance of the same. [S.S. 1940, ch.305, s.3.]

Sec. 3. **Enumerating some of the works which shall be kept in the library.** There shall be procured and kept in the library, full and complete sets of digests, law reports, public laws and legislative documents of the United States and of the several states; a full set of English and Canadian law reports, digests and laws; the general works on elementary law and practice; histories of all countries, including those of this state, its counties and towns; works on the arts and sciences with special reference to agriculture,

forestry, fishing, manufactures, ship building and road making ; maps, charts, plans and manuscripts, statistical and other publications relating to the financial, social, religious and educational condition of the world and more especially to this state, as fast as means are furnished by the state therefor, and all printed documents of this state and reports of all departments, offices, institutions and towns, required by law, not distributed by the several departments, shall be kept in the library. [1921, c 210, s 4]

Sec. 4. Admission to library. The librarian shall keep the library open from nine in the morning until twelve noon on every day except Sundays and public holidays, and from one-thirty to four in the afternoon on every day except Saturdays, Sundays, and public holidays ; and the superintendent of public buildings and his assistants shall see that no one is admitted to the library rooms out of office hours or that any book is taken therefrom without the consent of the librarian. [1921, c 210, s 5.]

Sec 5. Books to be loaned to responsible citizens of state. Under such rules and regulations as he may prescribe, the librarian may lend books and documents from the library to any responsible citizen of the state, on payment of all carriage charges [S S 1940, ch 305, s 4]

Sec 6 Traveling libraries to be loaned. When the officers of any library or association or any individual shall apply to the librarian and he is satisfied that the application is justified he may, from books purchased and kept for the purpose, lend such library, association or individual, one or more of the traveling libraries when such are in stock Books so lent are to be, in turn, lent free of charge to the patrons of such library or to the citizens of the towns where such library, or association or individual is located. [1921, c 210, s 7.]

Sec 7 Persons or organizations responsible for books borrowed. Any person or organization receiving the loan of any books or documents from the Maine state library shall be responsible for the full value thereof to the librarian, and in case of the loss of or damage to a volume belonging to a set, shall procure a new volume or be responsible for the value of the set If any person or organization shall neglect or fail to return any books or documents lent to them, or shall return the same in an injured or mutilated condition, after due demand and notice, the librarian may maintain an action at law against such person or organization for the full value of such books or documents Actions to enforce the liability mentioned in this section may be brought by the librarian in his own name in behalf of the state, and in case of his death or removal, the action shall be prosecuted by his successor [1921, c 210, s.8]

Sec. 8 To maintain bureau of historical research. As a part of the general duties of his office, the librarian shall maintain a bureau of historical research Under the direction of this bureau the library shall conduct a system of exchange with other libraries and institutions of learning. It shall also have charge of all Maine historical and genealogical work in the library

and carry on research work relating to the history of the state [1921, c.210, s 9.]

Sec. 9. Published records of vital statistics to be purchased. Whenever the record of the births, marriages and deaths of any town in the state, previous to the year 1892, beginning at the very earliest date, shall be collected from church records, church registers, records of clergymen, family bibles, public records and other available sources, and shall be printed and verified in the manner required by the standing committee of the Maine historical society, under the editorship of some person selected by said committee, whose services shall be rendered free and without any compensation, and the work shall appear to them to have been prepared with accuracy, the librarian of the state library shall purchase 500 copies of such record at a price not exceeding 2c per page; provided, that the written copies of the town records shall become the property of the state, and shall be deposited in the office of the registrar of vital statistics; and provided, further, that not more than \$3,000 shall be expended by authority of this section in any one year, and provided further that on and after August 1st, 1937, all projects to be undertaken within the provisions of this section shall first be listed with and approved in writing by the state librarian and the state historian. [1941, ch.279.]

Sec 10 Distribution of published records of vital statistics. The volumes purchased as aforesaid shall be distributed by the state librarian as follows, one copy to the free public library of each town and city of the state; one copy to each state and territorial library in the United States; one copy to the library of congress; and one copy to each incorporated historical society in the state; one copy to the library of each college in the state, and one copy to each registry of deeds. The remainder shall be placed in the state library for the purpose of exchange or sale. [1921, c 210, s 11]

Sec. 11. To maintain legislative reference bureau. The librarian shall also maintain in the library a legislative reference bureau which shall collect, arrange and place on file books, pamphlets and other material relating to legislation, shall prepare abstracts of laws in other states, and present such other information as may be useful and necessary to the legislature in the performance of its legislative duties [1917, c 129, 1921, c 210, s.12]

Sec. 12 To maintain a bureau of library extension. Under the direction of the librarian a bureau of library extension shall lend traveling libraries and shall carry on all library extension activities such as are enumerated in sections six and thirteen of this chapter. [1921, c 210, s 13]

Sec. 13. To give advice to local libraries; receive gifts in trust; to conduct schools of library instruction. The Maine state library shall give advice to all school, state, institutional, free and public libraries, and to all communities in the state which may propose to establish libraries as to the best means of establishing and administering them; selecting and cataloging books, and other details of library management, and may send its employees to aid in organizing such libraries or assist in the improvement of those

already established. It may also receive gifts of money, books or other property which may be used or held in trust for the purpose or purposes given. It may publish lists and circulars of information and may cooperate with the libraries and commissions of other states in the publication of documents in order to secure the most economical administration of its work. It may conduct courses or schools of library instruction and hold librarians' institutes in various parts of the state, and cooperate with others in such schools or institutes. It shall perform such other service in behalf of the public libraries as it may consider for the best interests of the state. [1921, c 210, s.14.]

Sec. 14. To establish an index bureau The librarian shall also establish and maintain an index bureau This bureau shall have charge of all indexing in connection with the work of the library and such other indexing as the legislature and governor and council may direct [1921, c 210, s.15.]

Sec. 15. To make a biennial report to the legislature. The librarian shall report to the legislature biennially the receipts and expenditures on account of the library, the number of books, maps and charts acquired during the two preceding years, specifying those obtained by purchase, donation and exchange and shall make in such report, suggestions in relation to the improvement of the library [1921, c 210, s.16]

Sec. 16. Municipal and county reports to be filed with librarian. Town clerks of the several towns, city clerks of the several cities, and treasurers of the several counties, shall promptly transmit to the librarian of the Maine state library, copies of all printed reports of said towns, cities and counties, including all printed exhibits of town, city and county expenditures. [R.S. c. 3, s.15, 1921, c.210, s 19]

Records of deorganized municipalities to be deposited in state library. Whenever any city, town or plantation within this state shall become de-organized, the city, town or plantation records shall be turned over to the state library It shall be the duty of the municipal officials in office at the time of deorganization proceedings to deposit with the state librarian the records of their municipality [R S , ch 125, s 21, amended by Laws of 1931, ch 267.]

Sec. 21. Salary of librarian. The librarian of the state library shall receive an annual salary of three thousand dollars, provided, however, that the governor and council may increase said salary to an amount not in excess of four thousand dollars. [Laws, 1931, p.303, c.267.]

Sec. 121. Conferring literary or academic degrees without authority of legislature prohibited; penalty; (state library depository for records of educational institutions). * * * The trustees or officers of any college or other institution of learning, whether incorporated or not, upon going out of existence or ceasing to function as an educational institution, may turn over its records of all grades attained by its students, to the state library to be preserved by it as a central depository of this valuable historical material.

The state library is hereby designated the central depository for the records of such educational institutions in this state as have ceased to exist, or may cease to exist in the future. The state library shall where possible collect the records of such educational institution extinct, or hereafter becoming extinct, and have the supervision, care, custody and control of said records. They shall, when requested, prepare transcripts of such grade records, which may, at any time become necessary to the former student, for further scholastic work at other institutions, for certification for teaching and other professional positions. Whenever such transcript is made, and after it has been compared with the original, it shall be certified by the state library and shall thereafter be considered and accepted as evidence and, for all other purposes, the same as the original could be. For the preparation of such transcript the state library may charge a nominal fee to compensate them for the actual labor of preparing such transcript.

The provisions of this section shall become mandatory in the case of all new educational corporations chartered after the passage of this act. [1933, c 191.]

B. DISTRIBUTION OF PUBLIC DOCUMENTS

(Maine Rev Stats, 1930, p 87, ch 3, s 7, 8, *Id* p.93-94, ch.4, s 17-22)

Ch 3 Sec. 7. Reports of departments; publication and distribution; number of copies. The number of copies of the following named reports to be printed hereafter at the expense of the state and the styles in which the same shall be so printed and bound shall be determined by the governor and council but shall not exceed one thousand copies for any department: the bank commissioner, the commissioner of labor and industry; the trustees of juvenile institutions; the warden of the state prison and board of prison commissioners; the insurance commissioner, the public utilities commission, the state commissioner of education; the treasurer of state; the trustees and officers of the state hospitals, the board of state assessors; the attorney-general, the forest commissioner; the commissioner of inland fisheries and game; the sea and shore fisheries commission; the state department of health; the adjutant-general; the librarian of the state library and the state military and naval children's home. The report of the commissioner of agriculture shall not exceed fifteen hundred copies. Said reports are to be printed biennially covering the two fiscal years next preceding each legislative year, and all to be ready for distribution upon the convening of the legislature at its regular biennial sessions. Of the above named reports fifty copies may be retained by the binder for public documents, and at least two hundred and fifty copies shall be delivered to the state librarian, by the binder, for exchange, library use, and general distribution, and the balance of the number of each report shall be delivered to the head of the department or institution where it originated and where it was prepared for publication. [1923, c.82.]

Sec. 8. Other reports; numbers to be determined by governor and council. The reports, catalogues, and compilations of all state departments, commissions, and institutions, other than as enumerated in the preceding section, may be printed and bound, but the number and the styles in which the same shall be so printed and bound at the expense of the state shall be determined from time to time by the governor and council, who shall also fix the number of the same which shall be delivered from the bindery or printing office to the librarian of the state library, but at least ten copies of each periodical, bulletin, pamphlet, or leaflet issued by any department or institution of the state shall be deposited in the state library. [1921, c.210, s.27.]

Ch. 4. Sec. 17. Maine reports, statutes, etc.; distributed to municipalities remain property of state. All Maine reports, statutes, digests, acts and resolves, and other publications, printed or purchased by the state, and hereafter distributed according to law or custom, to the several towns and plantations within the state, shall be and remain the property of the state, and shall be held in trust by such towns or plantations for the sole use of the inhabitants thereof, and for no other purpose. [1921, c 210, s 20]

Sec. 18. Books distributed to state, county, or town officers to be turned over to successors in office. All such books and publications as may hereafter be furnished by the state, to any state, county or town officer, shall be and remain the property of the state, and shall be held in trust by said officer, for the sole use of his said office, and at the expiration of his term of office or on his removal therefrom by death, resignation or other cause, such officer, or if he be dead, his legal representatives, shall turn over to his successor in office all of said books and publications so furnished by the state and shall take a receipt therefor [1921, c 210, s 21]

Sec 19 Maine reports, statutes, etc.; distributed to towns and public officers to be plainly marked as property of state. All Maine reports, revised statutes, public laws and digests distributed by the librarian of the state library to the several towns and public officers in the state, shall be plainly marked upon the cover and upon the title page with the following words. "The property of the State of Maine, not to be sold " Any town not retaining said volumes shall not make any requisition upon the librarian for their replacement, and shall forfeit all claim to be supplied with any further state publications. [1921, c.210, s 22]

Sec 20 Maine reports; how distributed. The printed decisions of the supreme judicial court, commonly called Maine reports, which are purchased by the state in accordance with section ninety-four of chapter ninety-one, and its amendments, shall be distributed by the librarian of the Maine state library as follows. one copy shall be sent to each free public library, county law library, college library, town or city in which there is no free public library, county attorney, judge of probate, register of probate, clerk of courts, municipal court, ex-governor, councilor, senator and representative from Maine in the Congress of the United States, judge of the supreme judicial

court, judge of the superior court, ex-judge of supreme judicial court or a superior court, state or territorial library in the United States, supreme court library of Canada. One copy shall also be sent to the judges of the United States district courts, for the district of Maine, United States district attorney, clerk of the United States district courts and judges of the United States circuit court of appeals for this state; and to the Maine historical society, reporter of decisions, library of congress, Maine state bar association and governor of the state.

Upon request of the administrative officer thereof one copy shall be given to each state department or institution. One copy shall also be sent to each town or city in which there is a free public library if so requested by the selectmen of the town or mayor of the city. [1923, c 163, s.1.]

Sec. 21. Revised statutes and sessions laws; how distributed. All future compilations or revisions of the statutes and the laws passed by each legislature, which are printed and bound by the state, shall be distributed by the librarian of the Maine state library as follows. one copy shall be sent to each county attorney, clerk of courts, county commissioners' court, county law library, sheriff, county treasurer, register of deeds, register of probate, judge of probate, judge of the supreme judicial court, municipal court, college library, councilor, free public library, town or city in which there is no free public library, state or territorial library in the United States, supreme court library of Canada, ex-governor, ex-judge of the supreme judicial court or a superior court, senator and representative from Maine in congress of the United States. One copy shall also be sent to the governor of the state, Maine historical society, library of congress, reporter of decisions, Maine state bar association, and to the judges of the United States district court, United States district attorney, clerk of the United States district courts, judge of United States circuit court of appeals for this state. One copy of the laws passed by each session of the legislature shall be sent to each member and office thereof

Upon request of the administrative officer thereof one copy of any future compilation or revision of the statutes or of the laws passed by any legislature shall be given to each state department or institution. One copy shall also be sent to each town or city in which there is a free public library, if so requested by the selectment of the town or the mayor of the city

The remaining copies of the laws shall be held in the library for exchange or sale [1923, c.163 s 2]

Sec. 22 Distribution of departmental reports; to maintain document room. He shall distribute reports of the departments and institutions of the state, and all books and documents published or purchased by the state, to such nations, counties, municipalities, corporations, institutions and persons as are or may be by law entitled to receive the same. He may transmit one copy of each published report of each department of the state government to each library in the state and to such schools and other public institutions

therein as may desire the same. He shall also transmit to the legislature and to each member and officer thereof, as soon after the commencement of its session as practicable, one copy of each of the printed reports of each state department. He shall maintain a document room, in which shall be stored all department reports and the publications of the state intended for distribution, and shall keep an accurate account of all books and documents received. [1921, c.210, s 24, 25.]

C. PUBLIC LIBRARIES

(Maine Rev. Stats, 1930, ch.4, p 94-96, s 23-31, as amended by Laws of 1940, ch 106, s 5, ch 305, s.5 and Laws of 1941, ch 106, s.1,2)

Ch 4. Sec. 23. Authorizing towns to establish and maintain free public libraries. Any town may establish a free public library therein, for the use of its inhabitants, and provide suitable rooms therefor, under such regulation for its government as the inhabitants from time to time prescribe; and may levy and assess a tax and make appropriation therefrom for the foundation and commencement of such library and for its maintenance and increase annually. Any town in which there is a public library may establish and maintain under the same general management and control, such branches of the same as the convenience and wants of its citizens seem to demand [1925, c. 175, s.1.]

Sec. 24 Authorizing village corporations to establish free public libraries. Any village corporation located in a town where no free library exists, may establish a library within its limits for the free use of all its inhabitants and may levy and assess a corporate tax and make appropriation therefrom for its maintenance and increase annually Village libraries established under this section shall be subject to all the duties and entitled to all the privileges prescribed by the laws relating to free public libraries in towns. [1925, c.175, s.2.]

Sec 25 Authorizing towns to raise money to secure free use of library in adjoining town; state aid therefor. Any municipality may raise and appropriate annually a sum of money for the purpose of securing to its inhabitants free use of a library located in an adjoining municipality, and the officers thereof shall annually, on or before the 1st day of May, certify to the state librarian the amount of money appropriated and expended during the preceding year for this purpose Upon certification the state librarian shall approve for payment a sum based on the following enumerated percentages:

To municipalities appropriating and expending \$475 or less, 10%;

To municipalities appropriating and expending \$476 to \$1,900, 7%;

To municipalities appropriating and expending \$1,901 to \$5,000, 4%.

No municipality shall receive annually more than \$200. The stipend shall be used for the purchase of books to be placed in said library. [L.1941, ch.106, s.1.]

Sec. 26. Adjacent towns may unite in establishment and maintenance

of libraries; entitled to same benefits as single towns. Two or more adjacent towns may unite in establishing and maintaining a free public library with branches thereof in each town, for the free use of all the inhabitants of said towns, and may each raise and make appropriation for that purpose annually, and such towns shall be subject to all duties and entitled to all the benefits prescribed by the laws relating to free libraries. [1925, c.175, s.4.]

Sec. 27. Procedure for obtaining state aid for municipalities maintaining free public libraries. The officers of any municipality where a free public library is established shall annually, on or before the 1st day of May, certify to the state librarian the amount of money appropriated and expended by said municipality during the preceding year for the purchase of books and for library maintenance. Stipend payment shall be based on such certification. The state librarian may certify as to grade and quality of service performed by the library, and shall approve for payment a sum based on the following enumerated percentages:

To municipalities appropriating and expending \$475 or less, 10% ;

To municipalities appropriating and expending \$476 to \$1,900, 7% ;

To municipalities appropriating and expending \$1,901 to \$5,000, 4%

No municipality shall receive annually more than \$200. The stipend shall be used for the purchase of books to be placed in said library. [ss.1940, ch.305, s.5, 1941, ch.106, s.2.]

Sec 28 Towns may assist libraries controlled by associations provided such association grants free use of books to residents Any town or city, in which there is a library owned or controlled by a corporation or association or by trustees may levy and assess a tax and make appropriation therefrom annually to procure from such library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books, and such library shall then be considered a free public library within the meaning of this chapter, and said town or city shall be entitled to the benefits of the preceding section, provided that any books and documents purchased with said stipend, and all books and documents donated by the state, shall be and remain the property of said municipality. [R.S., c.4, s.79. 1921, c 210, s 33. 1925, c 175, s.5.]

Sec. 29. Duty to keep custody of public documents furnished by state librarian; duty to report list of books purchased with state stipend. In every town and city where a free public library exists, the librarian of the state library shall transmit to such library all laws, Maine reports, and other documents which the town or city is by law entitled to receive from the state, and the same shall be constantly kept in such library for the use and benefit of all the citizens, and the officers of said library, on or before the first day of April of each year, shall send to the librarian of the state library a report containing a list of all books and documents purchased with the state stipend for the preceding year, and of all books and documents received

from the state in said library The aid from the state, hereby provided, shall be withheld from any town, city or village corporation until the report herein required to be made on or before the first day of April of each year, shall have been received by the librarian of the state library. And the same shall also be withheld unless said report shall show that the laws, Maine reports and other documents furnished to said town or city by the state are kept in said library as required by this section. [R.S. c.4, s 80 1921, c.210, s 34.]

Sec 30. Books may be donated to towns to assist in foundation of library. The Maine state library shall donate to any town having no free public library owned or controlled by the town books purchased for that purpose not exceeding 50% in value of the books and documents purchased by said town for the purpose of founding a free public library therein, said donation in no case to exceed \$100 unless, in the judgment of the librarian, it would be to the advantage of the library to receive the amount in some other form [S S 1940, ch 106, s.6.]

Sec 31 Towns may accept gifts and devises for library purposes. Any town, as such, may receive, hold and manage devises, bequests or gifts for the establishment, increase or maintenance of a public library therein; and may accept by vote of the legal voters thereof, any land or land and buildings thereon, to be used as a public library or art gallery, or both combined When any plantation is incorporated into a town, such gifts and the proceeds thereof fully vest in such town [1921, c 210, s 36]

D. COUNTY LAW LIBRARIES

(Maine Rev Stats 1930, p 1127-1128, ch 70, s 12-14, *Id* p 310, ch 16, s 9, as amended by 1931 Laws, p 151, ch 168, s 9)

Ch. 70, Sec 12 County law library association; how organized. In every county, where five or more attorneys reside, any five of them may procure themselves and the other attorneys resident in the county to be incorporated as afore-said for the purpose of establishing a law library, and the notification required, if posted in some conspicuous part of the courthouse seven days previous to their meeting, is sufficient; they may take the name of "The trustees of the law library in the county of"; and at such meeting, which shall be held at a term of the court therein, they may choose a clerk, librarian and treasurer, to be sworn, and hold their offices during the pleasure of the corporation, they may make all necessary and lawful regulations; and at their meetings, the oldest member present shall preside [R S c 62, s 12]

Sec 13 Duties of treasurer and clerk. The treasurer of each library association, under the direction of the trustees, shall apply all moneys received of the county treasurer, and all bequests and gifts, to form a law library under the appointed regulations, and the clerk shall keep an exact record of all their proceedings. [R.S. c.62, s.13.]

Sec. 14. Accounts of treasurer. The treasurer shall keep an exact account of all moneys, gifts, and bequests, belonging to the corporation, and annually settle the same on oath, in the manner prescribed; and the treasurer, librarian, and clerk shall be answerable for all misfeasance in an action by the corporation. The treasurer shall annually, before the second Wednesday in January, deposit in the office of the treasurer of state a statement of the funds received by the corporation during the year preceding [R.S. c.62, s.14]

Ch. 16, Sec 9. Cumberland one thousand dollars. The treasurer of each county except the counties of Aroostook, Cumberland, Kennebec, Lincoln and York, shall pay annually to the treasurer of the law library association of his county for the uses and benefits of the county law library the sum of five hundred dollars. The treasurers of each of the following counties shall pay annually to the treasurer of the law library association of his county, for the uses and benefits of the county law library as follows (Aroostook); the sum of thirteen hundred dollars, of which at least five hundred dollars shall be expended annually by the Aroostook law library association for books for the library at the court house at Caribou in said county, (Cumberland), the sum of one thousand dollars, (Kennebec), the sum of eight hundred dollars, (Lincoln), the sum of two hundred fifty dollars, (York), the sum of seven hundred fifty dollars. The treasurer of each county shall also pay to the treasurer of the law library association of his county all money received from persons admitted upon motion, to practice in courts of record as attorneys without a certificate from the board of examiners of applicants for admission to the bar [Laws 1931, p 151, c 168, s 9]

E. PROTECTION OF LIBRARY PROPERTY

(Maine Rev Stats, 1930, p 1268, ch 139, s 28)

Ch. 139, sec 28. Injury to books, pictures, and statues. Whoever wantonly mars, defaces, or injures a book, picture, statue, or painting, belonging to any public library, or library of any association open to the public or to any literary or educational institution, or any statue erected in any public park or square, or upon any ground open to the public, shall be punished by a fine of not more than fifty dollars, or by imprisonment for not more than three months. [R S. c 129, s.26]

MARYLAND

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A. STATE LIBRARY

(1) PROVISION IN CONSTITUTION

(Anno Code of Maryland 1939, v 1, p 126, Art 7, s 3 of Md Const.; p.147, Art 15, s 9)

Art. VII, sec 3. **State librarian.** The State Librarian shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office during the term of the Governor, by whom he shall have been appointed, and until his successor shall be appointed and qualified His salary shall be fifteen hundred dollars a year, and he shall perform such duties as are now, or may hereafter be prescribed by Law, and no appropriation shall be made by law to pay for any clerk, or assistant to the Librarian. And it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to pass a Law regulating the mode and manner in which the books in the Library shall be kept and accounted for by the Librarian, and requiring the Librarian to give a bond, in such penalty as the Legislature may prescribe, for the proper discharge of his duties.

Art. XV, sec. 9. **Term of office.** * * * the term of office of the State Librarian * * * shall commence from the time of their appointment.

(2) CODE PROVISIONS

(Anno. Code of Maryland 1939, v 1, p.1745-1749, Art.41, s.106-122.)

Art. 41, sec. 106. The State Librarian shall be assigned to the Execu-

tive Department. The State Librarian shall have and exercise the rights, powers, duties, obligations and functions now or hereafter conferred by law; and, in addition, shall report in writing annually to the Governor, on or before the first day of January, upon the work and operations of said office during the preceding year. The Library Committee of the Court of Appeals shall continue as now provided for by sections 117 to 122 inclusive, of this Article. [An Code, 1924, s.70, 1922, ch 29, p 46]

Sec 107 The state librarian shall take and subscribe before the governor the oath prescribed by the constitution [An. Code, 1924, s.71, 1912, Art. 55, s.1.]

Sec. 108 He shall give bond to the State in such sum and with such security as the committees of the senate and house of delegates on the library approve, for the safe-keeping of the books, maps, documents and furniture of the library, and for the faithful discharge of his trust, according to such regulations as shall from time to time be established as herein directed, which be deposited in the executive chamber. [An Code, 1924, s 72, 1912, Art. 55, s.2]

Sec 109 In case of the death, disqualification, resignation or removal from the State of the librarian during the recess of the general assembly, the governor shall fill the vacancy, and the person so appointed shall continue in office until the next meeting of the general assembly, giving bond and security as aforesaid, to be approved by the governor [An Code, 1924, s 73, 1912, Art. 55, s 3]

Sec. 110. The state library shall be kept in that part of the state house assigned and used for the purpose. [An Code, 1924, s 74, 1912, Art 55, s.4]

Sec. 111. The librarian shall not allow any book, map or document to be taken out of said library except by the executive, members of the general assembly and judges of the court of appeals [An. Code, 1924, s 75, 1912, Art 55, s 5.]

Sec. 112. It shall not be lawful for the state librarian to furnish to any member or officer of the general assembly an amount of stationery exceeding in value more than twenty-five dollars, and any member may, at his election, take such amount either in stationery or money. [An. Code, 1924, s 76, 1912, Art. 55, s.6.]

Sec 113. He shall have bound the laws, journals and documents of the General Assembly and shall distribute and forward the same when bound, under the direction of the governor, to the persons by law to receive the same, that is to say to the governor of the State of Maryland one copy of each, to the comptroller, treasurer, commissioner of the land office, each one copy of the laws; to the court of appeals one copy of the laws for the office of the clerk and one copy for each judge; to the library of Congress eight copies of the laws and two copies of the journals and documents; to the Department of Legislative Reference two copies of each for the use of the Department and forty-eight copies of the laws for exchange with other

States; to the Enoch Pratt Free Library of Baltimore City two copies of each, to the executive department of each State and Territory of the Union one copy of the laws, documents and journals; to the directors of the Maryland penitentiary one copy of the laws; to the mayor and city council of Baltimore two copies of the laws; to the chief judge and each of the associate judges of the supreme bench of Baltimore City one copy of the laws; to the clerk of the Superior Court of Baltimore City, the clerk of the court of common pleas, the clerk of the circuit courts of Baltimore City, the clerk of the criminal court of Baltimore, and the clerk of the Baltimore City court one copy of the laws for the use of their respective offices and three copies of the journals and documents for the inspection of the citizens, to the register of wills of Baltimore City one copy of the laws, for each judge of the orphans' court one copy of the laws and one copy for the office, one copy of the laws for each justice of the peace in and for the city of Baltimore; to the clerks of the Circuit Courts for the several counties one copy of the laws for office use and three copies of the journals and documents for the inspection of the citizens, to each of the associate judges of the several judicial circuits, except the eighth circuit, one copy of the laws, one copy of the laws, journals and documents for each member of the general assembly, one copy for the office of the county commissions, one copy for each judge of the orphans' court, and one copy for each justice of the peace in and for their respective counties, the said copies to be delivered by the clerks of the circuit courts and the clerks of the Baltimore City court [An Code, 1924, s 77. 1921, Art. 55, s 7 1904, Art 55, s 7 1888, Art 55, s 7 1853, ch 36, s 6 1868, ch 387 1935, ch 34, s.77.]

Sec 114 The remaining copies of the laws, journals and documents shall be subject to the disposition of the committee mentioned in section 117 [An Code, 1924, s 78; 1912, Art 55, s 8]

Sec 115 The librarian shall deliver to each public circulating library or library association which may make application therefor one copy of the laws, journals and documents, provided there be at the time of the application more than fifty copies of the volume applied for in the library [An Code, 1924, s 79; 1912, Art 55, s 9]

Sec 116 The Maryland reports shall be distributed by the librarian in the following manner, that is to say: to the court of appeals two copies for the office and one for each of the judges thereof, to each of the associate judges of the circuit courts for the several counties, to the chief judge and the associate judges of the supreme bench of Baltimore City one copy each for the use of their respective offices, to the clerks of the circuit courts for the several counties and of the city of Baltimore and the clerk of the superior court of Baltimore City, the clerk of the court of common pleas, the clerk of the Baltimore City court, and the clerk of the criminal court of Baltimore one copy each, to the registers of wills throughout the State for the use of the registers of wills and orphans' court one copy; to the commis-

sioner of the land office one copy, to the executive chamber one copy; to the library of Congress five copies; to the Enoch Pratt Free Library of Baltimore City two copies; to the general assembly eight copies; and to the executive department of each State in the Union one copy; to the comptroller of the treasury, the treasurer of Maryland, the Department of Legislative Reference, the Police Commissioner of Baltimore City, and the state tax commission one copy each, and shall transmit a copy of each of the volumes of the Maryland reports, as the same have been or shall hereafter be received, to the library of the bar association of the District of Columbia, upon condition that the said bar association of the District of Columbia shall transmit to the state librarian in Annapolis the past reports of the District of Columbia and the current volumes of said District of Columbia courts as the same shall hereafter be published, and to the librarian of the Library Company of the Baltimore Bar such copies of the reports, laws, journals and documents of the State of Maryland of which he may now have duplicates and of which he may have duplicates from time to time as new volumes are published, as can be spared from the state library, not exceeding in each case two copies of such volumes. The remainder of said reports shall be deposited in the state library [An. Code, 1924, s 82, 1912, Art. 55, s 12, 1904, Art. 55, s.12, 1892, ch 420, s 13]

Sec. 117 The judges of the court of appeals, or a majority of them, are hereby authorized to appoint a committee of three or more persons to serve without compensation who shall have the power and authority to purchase from time to time such books, maps and periodicals as they may deem advisable for the use of the state library, and said committee may draw on the treasurer of the State from time to time for such sums of money as may be necessary to pay for said books, maps and periodicals, not to exceed, however, the sum annually appropriated for the augmentation of the state library. [An. Code, 1924, s 82, 1912, Art. 55, s.12]

Sec. 118 The Librarian, with the approval of the Library Committee of the Maryland State Library, shall have the power and authority to sell from time to time such books, including the Maryland Reports and Codes, maps and periodicals, in the State Library, as they consider prudent and desirable to sell, and the proceeds of such sales, after deducting the expenses incident thereto, to be paid over to the Treasurer of the State within thirty days after the receipt thereof, provided no book, map or periodical shall be so sold if its sale would break a set [An. Code, 1924, s 83, 1922, ch 182]

Sec. 119 The said committee are hereby authorized to pass such rules and regulations as they may deem necessary and proper for the conduct and management of said library, provided such rules and regulations be not inconsistent with law [An. Code, 1924, s 84, 1912, Art. 55, s 13]

Sec. 120. And the said judges of the court of appeals are hereby authorized to fill any vacancy that may occur in the committee by resignation or otherwise. [An. Code, 1924, s.85, 1912, Art. 55, s 14.]

Sec. 121. The library committee created by section 117 of this article, is authorized and empowered to appoint a person as Law Librarian of the state library who shall hold his office at the pleasure of said committee and who shall receive such salary as shall be provided in the State Budget, payable in monthly instalments by warrant of the comptroller upon the treasurer. It shall be the duty of the said Law Librarian to perform such services as shall be required of him by the said library committee. [1939, ch.413.]

Sec. 122. The governor, by and with the advice and consent of the senate, is authorized and empowered to appoint a person as custodian of works of references, who shall hold office for a period of two years or until the appointment of a successor; who shall receive monthly in instalments by warrant of the comptroller upon the treasurer. It shall be the duty of the custodian of works of references to attend daily at the library during such hours as may be fixed by the library committee, and shall perform such duties as may be required by said library committee and the state librarian. [An. Code, 1924, s 87, 1912, Art 55, s 16]

B. LEGISLATIVE REFERENCE DEPARTMENT

(1) STATE

(Anno. Code of Maryland 1939, v 1, p 1743-1744, Art 41, s 100-102, See also s 103 under "E.")

Art. 41, sec. 100. The Department of Legislative Reference shall be assigned to the Executive Department. It shall, through its executive officer, appointed as at present, have and exercise the rights, powers, duties, obligations and functions now or hereafter conferred by law; and, in addition, shall report in writing annually to the Governor, on or before the first day of January, upon the performance during the preceding year of the duties imposed by sections 101 and 102 of this article' [An. Code, 1924, s.64.]

Sec 101. In addition to the duties to be performed by the Department of Legislative Reference, as created by Chapter No 565 of the Acts of 1906 of the General Assembly of Maryland, it shall be the duty of the executive officer of the Department of Legislative Reference to investigate and report upon the laws of this and other States relating to any subject upon which he may be requested so to report by the Governor of Maryland, and any committee or member of the General Assembly, or the head of any State Department; to accumulate all data obtainable in relation to the practical operation and effect of such laws, to investigate and collect all available information relating to any matter which is the subject of proposed legislation by the General Assembly; to examine the acts and records of any State and report the result thereof to the Governor, any committee of the General Assembly, or the head of any State Department requesting the same, to prepare or aid in the preparation of any bill or resolution when requested so to do by any member of the General Assembly, to preserve and collate all information obtained, carefully indexed and arranged so as to be at all times

easily accessible to State officials and open to the inspection of the general public; and to have an office at Annapolis during the sessions of the General Assembly, in order to facilitate the work of the Department for members of the General Assembly. [An Code, 1924, s 65]

Sec. 102. For the services to be rendered under the provisions of the preceding section, the executive officer of the Department of Legislative Reference shall receive \$1,000 per annum; and there is hereby appropriated annually the sum of \$2,500 to provide for the payment of the services of the said executive officer and of such assistance and expenses as may be necessary in performing the duties imposed by the preceding section, the same to be payable on the order of said executive officer. [An Code, 1924, s.66]

(2) CITY OF BALTIMORE CHARTER AND PUBLIC LAWS OF BALTIMORE CITY
(1938, p 232-234, s 260-263)

C. STATE LAND OFFICE HISTORICAL LIBRARY

(Anno Code of Maryland 1939, v 2, p 2277, Art 54, s 17)

Art 54, sec 17. He [the commissioner of the land office] is authorized and empowered to continue the indexing of certain land records and extracts of deeds which were transferred to the land office from the court of appeals under the said act of 1874, chapter 66, and such extracts of deeds and mortgages and all other extracts of records of real estate as shall be received by him from the clerks of the circuit courts for the counties and the clerk of the superior court of Baltimore City He is also authorized to purchase, receive and collect books, papers, records, relics and other memorials connected with the early history of Maryland prior to the revolution, during and since the revolution He shall have charge of the same and preserve, print, re-bind, repair, classify and take proper care of the same Any gifts to the State of any such shall be under his care and protection [An Code 1924, s 18, 1912, s 19.]

D. HALL OF RECORDS COMMISSION

(Anno Code of Maryland 1939, v 1, p 1749-1750, Art 41, s 123-127)

Art 41, sec 123 There is hereby created a Commission to be known as the Hall of Records Commission, which shall be composed of the Governor of Maryland, the State Comptroller, the Chief Judge of the Court of Appeals, the President of the Johns Hopkins University, the President of St John's College, the President of the Maryland Historical Society and the President of the Board of Trustees of the Peabody Institute of Baltimore The members of said commission shall serve without compensation. [1935, ch.18, s.87A.]

Sec. 124. The Commission shall have supervision and control of the Hall of Records building and shall have authority to equip and furnish the said building and to preserve and repair the records, documents and archives

placed under its supervision, the cost of same to be paid for out of any funds which may hereafter be appropriated for that purpose

The Commission shall appoint a competent, qualified person, to be known as Archivist, who shall have charge of the active management of the building and its contents; provided that the Commission shall allot and designate a portion of the building for the use of the Land Office. The Commission shall employ such assistants, clerks and other employees as may be necessary for the work of collecting, repairing, indexing, copying, filing and preserving the records, documents, papers, books and other data under the jurisdiction and supervision of the Commission. The Archivist, his assistants, clerks and other employees shall receive such salary or compensation as may be recommended by the Commission and provided in the Budget [1935, ch 18, s 87B, 1936 (Sp Sess) ch 81]

Sec 125 It shall be the duty of the Commission to have collected old court records, official documents, records, reports, old newspapers, church records, private papers and other historical data pertaining to the history of the Province and State of Maryland from the earliest times, and to have said documents, records and material properly repaired, filed, indexed, preserved and, when deemed desirable, copied and/or edited and published; to encourage historical investigation and research in the history of the State. All papers, records, relics and other memorials connected with the early history of Maryland not required for the necessary operations of any other office, shall be under the supervision of and belong to said Commission [1935, ch 18, s 87C]

Sec 126 The Commission shall have power and authority to adopt a seal for its official use and business, to adopt rules for its own governance and to determine the type and character of records, documents, publications and other data which it will accept or receive for safekeeping

The Commission shall have power to acquire by gift, or to purchase with any funds appropriated or given to it for that purpose, any records, documents, publications or other material which it may deem worthy of preservation [1935, ch 18, s 87D]

Sec 127 Every State, county, city, town or other public official in the State in custody of public records or documents is hereby authorized and empowered, in his discretion, to turn over to the Commission and deposit for preservation any original papers, official books, records, documents, files, newspapers, printed books, or portraits, not in current use in his office, and when so surrendered, and accepted by the Commission, copies may be made and certified under the seal of the Commission upon application of any person, which certification shall have the same force and effect as if made by the officer originally in charge of same, and the Commission shall charge for such copies the same fees as such officer is allowed by law to charge which fees shall be accounted for and paid into the State Treasury [1935, Ch.18. s.87E]

E. PUBLIC LIBRARY ADVISORY COMMISSION

(Anno. Code of Maryland 1939, v 2, p.2957-2958, Art 77, s 163-167.)

Art. 77. 163. The Governor shall Biennially appoint five persons, at least two of whom shall be women, who, with the State Librarian and the Librarian of the Enoch Pratt Free Library, shall constitute the Maryland Public Library Advisory Commission, which is charged with the extension and development of public library service throughout the State.

Art 77. 164 Said commission shall annually elect from their own number, a president and a secretary, who, with the other members of the commission, shall serve without pay, but the necessary traveling expenses of the commissioners in attending upon the meetings of the commission or its business away from their homes, may be paid out of any appropriation available for the purpose. The secretary shall also act as treasurer of the commission and shall give bond with approved security for the proper performance of his duties. It shall be the duty of the commission, from time to time, to advise and counsel with and to aid the state superintendent of schools with respect to the performance of his duties under sections 163 to 181, inclusive, of this subtitle.

Art 77. 165 Said commission shall give advice and counsel to all public libraries and public school libraries in the State and to all persons proposing to establish them, as to the best means of their establishment and maintenance, the selection of books, cataloguing and other details of management. Said commission shall annually report to the governor in the month of November, a full and complete account of its doings and of its receipts and expenditures. Said commission is hereby granted power and authority to accept on behalf of the State appropriations of money from the Federal Government, or any agency thereof, made pursuant to the provisions and purposes of any Act of Congress heretofore or hereafter enacted, and especially from an Act of the Seventy-six Congress enacting the provisions of H R 3517 or S 1305, known as the "Federal Aid to Education Act of 1939", and the State of Maryland hereby expressly accepts the provisions of Title III of said Act as provided in Section 301 hereof. Said commission is hereby vested with the power and authority to make and administer plans for carrying out the purposes of said Title insofar as the same may be applicable to the State of Maryland. Said commission is hereby authorized and directed to make any and all appointments of personnel on the basis of merit and efficiency and without regard to political considerations, under the provisions of the State merit System Law, provided, that this provision shall not apply to the members of the Maryland Public Library Advisory Commission, but only to employees thereof. The State Treasurer is hereby designated as the recipient of and trustee for funds apportioned to this State by the Federal Government under the provisions of said Title. The State Auditor shall provide an adequate system of auditing the accounts of the said commission and shall audit the expenditure of funds received through

the provisions of said Title and apportioned to libraries and library services. The said commission is further authorized and directed to devise and put into operation an adequate system of reports from libraries and library services, to said commission relative to the use of the funds so apportioned. The said commission shall make such reports to the United States Commissioner of Education with respect to the expenditure of funds received through said Title and the progress of library service in such form and containing such information as the said commissioner may require. Said commission shall prepare and file with the United States Commissioner of Education a plan for apportioning or distributing the funds in such manner as will effectively lessen inequalities of opportunity for library service; such plan to provide for maintenance of a cooperative and integrated system of library service throughout the State, for suitable cooperative arrangements with school systems, cooperative agricultural extension services and other appropriate agencies, and if separate library services are maintained in this State for separate races, for an equitable apportionment of such funds for library services for separate races. Upon the passage of this Act said commission is authorized and directed to transmit to the United States Commissioner of Education official notice of acceptance of said Title by the State of Maryland, together with certified copies of this Act. Said commission is hereby authorized and directed to take such further steps as may be necessary to qualify Maryland as an accepting State under the provisions of Title III aforesaid.

Art 77. 166. Said commission shall organize and conduct traveling libraries throughout the State, shall formulate such reasonable regulations for the use and care of the books of such traveling libraries as they may deem proper, and shall from time to time send out and distribute such books throughout the State, and at suitable intervals change such distributions so as to secure the greatest advantage.

Art 77. 167. Said commission, upon application of the library directors of a county, municipality, or election district which has complied with the provisions of this law relative to the establishment of such library may expend not more than one hundred dollars for books, to be selected and purchased by said commission and delivered to said directors for the purpose of establishing a free public library.

F. DISTRIBUTION OF STATE PUBLICATIONS

(Anno. Code of Maryland 1939, v 2, p 3013, 3015, Art 80, s 3, 9, Art.41, s 103)

Art. 80, Sec. 3. The said reporter shall, on or about the third Wednesday of April in the year of 1904, advertise in three newspapers published in this State, once a week, for four successive weeks; that sealed proposals will be received at his office in the city of Annapolis, on the first Wednesday in June in the year 1904, for the publication of reports of the decisions of the court of appeals of Maryland for the term of five years beginning on said

named date according to the terms of the contract hereinafter set forth, and every five years thereafter he shall advertize in like manner for similar proposals. The contract shall be awarded to such person or persons or corporation as shall agree to print and publish all said reports on terms most advantageous to the public; and the contract shall embody the following provisions: The said reports shall be printed on first-class book paper, not inferior in printing or paper to volume 96 of the Maryland reports, and shall contain not less than seven hundred pages, exclusive of the index and tables of cases and statutes, and shall be uniform in size, style and form with said volume 96 Maryland reports, nor less than twelve hundred copies of said volumes shall be printed. The publisher shall deliver to the state library three hundred copies of each volume bound in first-class law sheep; and the State shall pay therefor to the publisher the sum of six hundred dollars, being at the rate of two dollars per volume. And the publisher shall keep on hand in the city of Baltimore for sale during the period of this contract and for five years thereafter a sufficient number of the volume which shall be published to supply the public demand therefor, and sell the same to the public at a price designated in his proposal for volumes bound in first-class law sheep and at the price designated for volumes in sheets unbound. The reports shall be published promptly from manuscript to be supplied by the reporter and under his supervision. If there be any unreasonable delay in the printing or publication of said reports, it shall be his duty to employ others to complete the work at the cost of the contracting party. The said contract shall be awarded by the reporter to the person whom he shall determine to be the most responsible bidder, who will agree to publish the said reports in the manner aforesaid and sell the same on terms most advantageous to the public, and at the lowest price, and the said publisher shall also agree to sell the advance sheet of said volume at a price fifty cents less per volume than he shall be entitled to receive for the bound volumes thereof. No other publication of said reports shall be authorized by the State so long as its copyright thereon remains in force, provided the publisher or his assigns shall supply the demand therefor at the price stipulated in the contract. [An. Code, 1924, s 4 1912, s 4]

Sec 9. After the publication of such code or codes the same shall be placed in the possession of the state librarian, and shall be sold by said librarian at a price to be computed from the gross expense of the publication of said code or codes for cash; and the said librarian shall report to the comptroller and treasurer of the State monthly, giving the number of codes sold by him during the preceding month and such sums of money as he may have received from the sale of codes, and the number of volumes of said codes still in his possession. [An Code, 1924, s 10 1910, ch 345, s 1.]

Art. 41, Sec. 103. It shall be the duty of every officer, board, institution, and commission of the state, including special or temporary officers, boards and commissions, to file with the Department of Legislative Reference a

copy of every regular or special report issued by him or it, whether such report be in printed or other form. Every officer, board, institution and commission of the State is hereby directed to transmit to said Department of Legislative Reference such number of copies of all reports and publications issued by him or it as the Director of said Department shall request, but not to exceed one hundred copies. It shall be the duty of the Director of the Department of Legislative Reference to use the copies of the reports and publications above directed to be delivered to him for exchange with or distribution to other departments, libraries, historical societies or research agencies, and at least one copy of each of such reports and publications shall be sent by the said Director to the Library of Congress, the Maryland State Library, the Johns Hopkins University Library, Enoch Pratt Free Library, Peabody Institute of Baltimore, Maryland Historical Society and the University of Maryland Library

G. COUNTY AND MUNICIPAL LIBRARIES

(Anno Code of Maryland 1939, v 2, p 2959-2962, Art 77, s 168-181)

Art. 77, Sec 168 The boards of county commissioners shall have power to establish and maintain central free public libraries at the county seats of their respective counties, with branches in such places within the limits of said counties as the demand of the people of the vicinity may justify, so as to give them convenient access to the free libraries and reading rooms, and the legislative authority of any incorporated municipality shall have power to establish public libraries in like manner for said municipality.

Sec. 169 The board of county commissioners of any county in the state, for the establishment and maintenance of said free public libraries and reading rooms in their respective counties, may levy an annual tax not exceeding five cents on each one hundred dollars of the assessed valuation of taxable property, such tax to be levied and collected in like manner as other general taxes of said county, and when collected to be known as the public library fund

Sec 170. In case a majority of the voters in any election district shall petition the board of county commissioners to establish a public library in said district, the said board shall establish and control such public library in the same manner as the legislative authority of an incorporated municipality may establish and control a library under sections 168 to 187, and said board of county commissioners may levy a tax on the election district for the said library in like manner as is done for the library of an incorporated municipality and to the same amount, and said election district library shall be managed in the same manner as the library of an incorporated municipality.

Sec. 171 The legislative authority of any municipality may levy a tax for public library purposes upon the assessed valuation of the taxable property within said municipality, not exceeding seven cents of each hun-

dred dollars, to be collected in like manner as the other taxes of said municipality. The money so collected by the governing boards of the incorporated municipalities shall be paid over to the trustees or board of directors, to be appointed as hereinafter provided, and shall be expended by them as in their judgment they may deem best.

Sec. 172. Whenever any board of county commissioners or legislative authority of an incorporated municipality shall have determined to establish and maintain public libraries and reading rooms under sections 168 to 187, such board of county commissioners or legislative authority of an incorporated municipality shall appoint for such county, election district or incorporated municipality, a board of nine directors, who shall be chosen at large with reference to their fitness for such office, said directors shall hold office, one-third for two years, one-third for four years and one-third for six years, from the first of January following their appointment and until their successors are chosen. At their first regular meeting they shall cast lots for their respective terms, and biennially thereafter the board of county commissioners or legislative authority of the municipality shall appoint as before three directors to take the place of the retiring directors, who shall hold office for six years and until their successors are appointed. The board of county commissioners or legislative authority of the municipality may remove any director for inefficiency, misconduct, or neglect of duty.

Sec 173. Vacancies in the said board of directors occasioned by removal, resignation or otherwise, shall be reported to the board of county commissioners or legislative authority of the municipality, and shall be filled forthwith by them for the unexpired portion of the term.

Sec. 174. Said directors shall, immediately after their appointment, meet at the call of the county commissioners or legislative authority of the municipality, and organize by the elections of a president and vice-president from their own number, and a person or persons to act as secretary and treasurer. The treasurer so elected shall give bond for the faithful performance of his trust in such sum as said library board shall determine; the said bond to be approved by the said library board and the expense thereof paid out of the library fund. Directors shall receive no compensation. They shall make and adopt by-laws, rules, and regulations not inconsistent with sections 168 to 187, for their own guidance and for the government of the libraries and reading rooms. They shall have exclusive control of the expenditure of all moneys collected to the credit of the library fund under sections 168 to 187, but such expenditures and all contracts made by them shall not exceed the appropriations provided and made under sections 3 [176] and 4 [177] of this act. They shall also have control of the construction of any library building, and of the supervision, care and custody of the library grounds, rooms or buildings constructed or set apart for that purpose; and they shall have power to purchase or lease grounds, to occupy.

lease or erect an appropriate building or buildings for the use of said library, to appoint a suitable librarian and assistants, to fix the compensation of such appointees and to remove them if unsatisfactory, and shall in general carry out the spirit and intent of sections 168 to 187, in establishing and maintaining public libraries and reading rooms.

Sec. 175. All moneys collected for such libraries and reading rooms by the county commissioners or governing boards of incorporated municipalities as hereinabove provided, shall be deposited in the treasury of said county or of the said municipality, respectively, to the credit of the library fund, and shall be kept separate and apart from other moneys of such county or municipality, and paid over to the treasurer of the library board upon the demand of the board

Sec 176 Every library and reading room established under sections 168 to 187 shall be forever free to the use of the inhabitants of the county, election district, or municipality where it is located; subject, however, to such reasonable rules and regulations as the library board may adopt, and said board may exclude from the use of said libraries and reading rooms any and all persons who shall willfully violate such rules, and may extend the privilege of said library to persons living outside of the county or municipality, upon such terms and conditions as said board may from time to time by its regulations prescribe.

Sec 177 Every person who shall steal or unlawfully take or detain, or who shall mutilate, injure or disfigure by writing, marking, cutting, tearing, or otherwise, any book, map, picture, engraving, manuscript or other property of any public library or circulating library, or library belonging to the State of Maryland, or to any municipality or public body or incorporated institution, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than one hundred dollars, said fine to be used for the benefit of the library, or be imprisoned for not more than three months, or, in the discretion of the court, may be both fined and imprisoned as aforesaid

Sec 178 Each library board established under sections 168 to 187 shall make an annual report to the county commissioners or legislative authority of the municipality on or before the twentieth day of January, stating the condition of their trust on the first day of January in that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended and for what purposes, the number of books and periodicals on hand, the number added by purchase, gift or otherwise during the year, the number lost or missing, the number of books loaned out, and the general character and kind of such books, with such other statistics and information and suggestions as they may deem of general interest. All such portion of said report as relates to the receipt and expenditure of money shall be subject to the audit of the county commissioners or legislative authority of the municipality. A copy

of said report shall be sent annually to the Maryland Public Library Commission.

Sec. 179. The said library board may receive, hold and possess, or sell and dispose of all such gifts, donations, devises, bequests and legacies as may be made to the county commissioners, to the municipality, or to the library board for the purpose of establishing, increasing or improving such public library. In such cases the library board shall act as trustees, and have control of such gifts, donations, devises, bequests and legacies, and may apply the proceeds, interests, rents and profits accruing therefrom in such manner as will best promote the prosperity and utility of such library; provided, such application be according to the terms of the gifts, donations

Sec 180 Every public library established under this law shall receive from the state a copy of the laws, journals, and all other books published by the authority of the state except the Maryland law reports, and in return therefor shall transmit a copy of its annual report to the state library

Sec 181. All real estate acquired for the use and benefit of any library and reading room, established as aforesaid, and all property that shall be a part of any such library and reading room shall be exempt from all state, county, and municipal taxation

H. COUNTY LAW LIBRARIES

(Anno Code of Maryland 1939, v 1, p 1642, Art 38, s 5)

Art 38 sec 5 One-half of the fines imposed and recognizance forfeited to the Circuit Court for the several counties of the State, shall be paid to the clerks of the respective courts, to be expended under the direction of the judge or judges of said courts for the augmentation of the libraries of said courts, and one-half of the fines and recognizances received by the City Register of Baltimore City from the justices of the peace in Baltimore City and the sheriff of Baltimore City, as adjudged by and accruing in the Criminal Courts of Baltimore City, and collected and received by or through the said sheriff, shall be paid by said City Register to the Library Company of the Baltimore Bar for its use and benefit Said sum not to exceed, however, in any year the sum of three thousand dollars (\$3,000) This section not to apply to Queen Anne's, Caroline, Cecil, Anne Arundel and Talbot Counties [An Code, 1924, s 4]

I. SCHOOL LIBRARIES

(Anno Code of Maryland 1939, v 2, p 2957, Art 77, s 162)

Art 77, sec 162 For the further encouragement of education, district libraries ought to be established in each schoolhouse district under the care of the teacher, as librarian; for this purpose the sum of ten dollars per annum is ordered to be paid by the board of county school commissioners out of the state school fund to any schoolhouse district as library money,

as long as the people of the district raise the same amount annually; the books must be selected by the board of district school trustees and teachers from a list to be furnished by the State Board of Education.

J. TAX EXEMPTION

(Anno. Code of Maryland 1939, v.2, p 3028, Art 81, s 7.)

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A. STATE LIBRARY

(Massachusetts Gen Laws (Ter Ed. 1932), ch 6, s 17 [as amended by Acts 1939, ch 393, s 1], s 33-39, *Ibid*, ch 10, s 16, *Ibid*, ch 3, s 29, *Ibid*, ch 30, s 42 [as amended by Acts 1941, ch 450, s 1]; *Ibid*, ch 35, s 27 [as amended by Acts 1933, ch 175, s 2], *Ibid*, ch 40, s 50, *Ibid*, ch 160, s 9)

Ch 6, Sec 17. **Certain officers to serve under governor and council.** The armory commission, the art commission, the commission on administration and finance, the commissioner of state aid and pensions, the commissioners on uniform state laws, the public bequest commission, the state ballot law commission, the board of trustees of the Soldiers' Home in Massachusetts, the milk regulation board, the alcoholic beverages control commission, the state planning board, *the trustees of the state library*, the state racing commission, the Greylock reservation commission and the Massachusetts aeronautics commission shall serve under the governor and council, and shall be subject to such supervision as the governor and council deem necessary or proper. [1939, 393, s.1]

Sec. 33. **Trustees of state library.** There shall be a board of trustees of the state library, consisting of the president of the senate and the speaker of the house of representatives, who shall be trustees ex officio, and three other persons appointed by the governor, with the advice and consent of the council, of whom one shall be appointed annually for three years from June first of the year in which he is appointed [1910, 217, s.1.]

Sec. 34. **Duties of trustees.** Said trustees shall have the management and control of the state library and of the moneys appropriated therefor. They may sell or otherwise dispose of such books belonging to the library as they consider unsuitable for its purposes, and they may deposit any

duplicate volumes for safekeeping and use in any town, city or college library in the commonwealth, upon such terms and conditions as they shall prescribe. They may make and enforce rules for the use of the library, and shall see that its rooms are properly prepared for the accommodation of persons permitted to use them [1910, 217, s 2]

Sec. 35. Librarian. The governor, with the advice and consent of the council, shall appoint a librarian of the state library who shall hold office during their pleasure and shall receive such salary as may be fixed by the trustees of said library with the approval of the governor and council. [1929, 277.]

Sec. 36. Expenditures authorized; approval of accounts. The trustees of the state library may expend such sums annually as the general court may appropriate for permanent assistants and clerks, for books, maps, papers, periodicals and other material for the library and for binding the same and for incidental expenses including binding their report. All accounts for the maintenance of the state library shall be approved by the trustees thereof or by such person as may be designated for the purpose in a vote of said trustees who shall, nevertheless, remain responsible for such approval [1925, 185]

Sec. 37. Annual report of trustees. The trustees of the state library shall keep records of their doings, and shall make an annual report thereof, with a list of books, maps and charts lost, missing or acquired during the preceding fiscal year, specifying those obtained by exchange, gift or purchase, and such suggestions for the improvement of the library as they may deem proper. [1910, 217, s 2.]

Sec. 37A. Trust funds. The said trustees may receive in trust for the commonwealth any gift or bequest of money or securities for any purpose incident to the uses of the state library, and shall forthwith transfer any money or securities so received to the state treasurer, who shall administer the same as provided by section sixteen of chapter ten [1923, 376, s 1.]

Sec. 38. State library. The state library shall be in the state house, and shall be kept open every day except Sundays and legal holidays for the use of the governor, lieutenant governor, council, general court and such officers of the government and other persons as may be permitted to use it [R.L. 10, s 23.]

Sec. 39. Books, etc.; belonging to commonwealth to be placed in state library. Unless otherwise provided, all books, maps, documents and other publications belonging to the commonwealth for public use, except such as by order of the respective departments of the government are retained in the chambers of the senate and the house of representatives or in the department of the state secretary, shall be deposited and suitably arranged in the library.

Ch. 10, Sec. 16. To receive, etc., trust funds from department of education, etc. He shall invest, reinvest and hold in the name of the common-

wealth any money or securities, or the proceeds thereof, received * * * from the trustees of the state library under section thirty-seven A of chapter six, and shall disburse the income or principal thereof on the order of the commissioner of the department having charge of the work in aid of which the gift or bequest was made, or on the order of the trustees of the state library in case of gifts or bequests for the use of the state library; provided, that no disposition of either income or principal shall be made which is inconsistent with the terms of the trust on which the property is held. He shall be responsible on his bond for the faithful management of all such property [1931, 391, s 4; 393, s 1; 436, s 20.]

Ch. 3, Sec. 29 **Stenographic reports.** Stenographic reports of hearings before legislative committees or special commissions made at the expense of the commonwealth shall, at the conclusion of the work of such committees or commissions, be deposited in the state library. [1897, 113; R L 3, s 18, 1918, 61]

Ch. 35, Sec. 27 **Publication and distribution of annual reports.** The county treasurer shall cause such report [of receipts and expenditures] to be printed and bound with his own report, and shall send a copy to the state library * * * [1933, 175, s.2.]

Ch. 30, Sec. 42 **Disposition of books and papers, etc.** The state librarian or a person in his department designated by him, an assistant attorney general designated by the attorney general, and the chairman of the commission on administration and finance or a person in his department designated by him, acting as a board, after consultation with the chairman of any board or commission or the head of any department or institution which may be interested, may, either of their own motion or upon the request of said chairman or head, sell any duplicate volumes or documents, the property of the commonwealth, which are held in the state library or any other department * * * [1941, 450, s 1.]

Ch. 40 Sec. 50 **Town clerks to forward copies of reports to state library.** One copy or more of the annual report and of any special report of a town shall annually, on or before the last day of April, be transmitted by the town clerk to the state library, and until such transmission the publications distributed by the commonwealth shall be withheld from the town [1866, 195, ss.1-2, P S 27, ss 25-26, R L. 25, s 30]

Ch. 160, Sec. 9 **Plans, etc.; to be deposited in state library.** Plans and profiles presented to a committee of the general court in the hearing of a petition for such a charter [railroad corporation] shall be deposited by it in the state library [1906, 463, II, s.9, 258]

B. DIVISION OF PUBLIC LIBRARIES

(Massachusetts Gen. Laws [Ter Er 1932], ch 15, s 4 [as amended by Acts 1939, ch 409, s 2] s 5, 8-11, [as amended by Acts 1941, ch 596, s 9; ch 78, s 14-21].)

Ch. 15, Sec. 4. **Certain duties of commissioner; divisions in the de-**

partment; exception. The commissioner [of education] shall be the executive and administrative head of the department. He shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, and shall be chairman of the board. He shall organize in the department a division of public libraries * * * and such other divisions as he may determine. Each division shall be in charge of a director and shall be under the general supervision of the commissioner.

Each division, except the division of immigration and Americanization, shall be in charge of a director, and each division shall be under the general supervision of the commissioner. [1939, 409, s 2]

Sec 5. Directors and clerical assistants. Except as otherwise provided in this chapter, directors of divisions of the department shall be appointed and may be removed by the commissioner, with the approval of the board. Except in the case of the teachers' retirement board, the division of public libraries, the division of the blind and institutions under the department, the commissioner may appoint such assistants as the work of the department may require, may assign them to divisions, transfer and remove them, but none of such employees shall have any direct or indirect pecuniary interest in the publication or sale of any text or school book, or article of school supply used in the public schools of the commonwealth. For the compensation of such assistants as it may employ, for conferences and conventions of teachers held under the direction of the department, and for traveling and other necessary expenses incurred by the members and subordinates, the department may be allowed such sums as may be appropriated. [1941, 596, s 9]

Sec 8 Division of public libraries. The division of public libraries shall consist of the board of free public library commissioners, the chairman of which shall be the director of said division. [1919, 350, s 59]

Sec. 9 Board of free public library commissioners. The board of free public library commissioners, in sections nine to eleven, inclusive, called the library board, shall consist of five persons, residents of the commonwealth, one of whom shall annually be appointed by the governor, with the advice and consent of the council, for five years. The governor shall designate the chairman of the library board. [1890, 347, s 1; 1897, 134; R.L. 38, s 11.]

Sec 10. Commissioners to serve without compensation; expenses. No member of the library board shall receive any compensation, but it may annually expend not more than the amount appropriated for clerical assistance and for other necessary expenses. [1918, 127]

Sec. 11. Agents of the board. The library board, with the consent of the governor and council, may appoint a general secretary and adviser for not exceeding three years, whose salary shall be paid from the appropriation authorized by the preceding section. The library board, with

the consent of the governor and council, may also appoint an agent for a term not exceeding five years, and an agent or secretary who shall also direct work in libraries for the benefit of the alien population of the commonwealth. The library board, by a majority vote of its members, may remove from office any person appointed under this section. [1931, 301, s.64.]

Ch. 78, Sec. 14. **Annual report.** The commissioner of education shall make an annual report of the acts of the board of free public library commissioners, including therein a full detail of expenditures under section nineteen. [1918, 189.]

Sec. 15. **Board to advise officials of public libraries.** The board of free public library commissioners shall advise the librarian or trustees of any free public library, and may on request advise the librarian or other person in charge of the library of any state or county institution, relative to the selection or cataloguing of books and any other matter pertaining to its maintenance or administration. [1924, 114.]

Sec 16 **Purchase of books for towns having no public library.** Said board, upon the application of the library trustees of a town which has complied with sections seventeen and eighteen, and which has no free public library owned and controlled by the town, may expend not more than one hundred dollars for books to be selected and purchased by said board and delivered to said trustees for the purpose of establishing a free public library. [1890, 347, s.3; R.L.38, s.14.]

Sec. 17. **Acceptance of laws by towns.** A town shall not be entitled to the benefits of the two preceding sections until it accepts the same or has accepted corresponding provisions of earlier laws and has elected a board of library trustees as provided in section ten, nor until said trustees have made provision satisfactory to said commissioners for the care and distribution of the books furnished by them. [1890, 344, s.4; R.L.38, s.16.]

Sec. 18. **Limit of appropriations for libraries in towns.** Such towns shall, if its last assessed valuation was one million dollars or over, annually appropriate from the dog tax, or otherwise provided for the use and maintenance of its free public library, not less than fifty dollars; if such valuation was less than one million dollars and not less than two hundred and fifty thousand, not less than twenty-five dollars; and if such valuation was less than two hundred and fifty thousand dollars, not less than fifteen dollars. [1890, 347, s.5, R.L.38, s.17.]

Sec. 19. **Board may aid public libraries.** The board of free public library commissioners may annually expend a sum not exceeding ten thousand dollars in aid of free public libraries, especially in those towns the valuation of which does not exceed one million dollars. Such aid may include the furnishing of books in small quantities, visits to libraries, the instruction of librarians, and such other means of encouraging and stimulating the small libraries as said board shall deem advisable [1914, 373, s.1.]

Sec. 20. Examination and registration of librarians. The board may determine by examination or by such rules as it may establish the selection and appointment of supervising librarians and all other library workers who are paid wholly or in part, under the authority of said board, by the commonwealth. Such selection and appointment shall not be subject to chapter thirty-one.

In order to assist library trustees who seek advice from the board in securing qualified librarians and assistants, the board shall keep a registry of librarians which shall give due credit for experience and successful accomplishment as well as for formal examination [1915, 106]

Sec. 21. Certain sections not applicable to cities. Sections ten to twelve, inclusive, and sections sixteen to eighteen, inclusive, shall not apply to cities [G L (1921 Ed) 78, s 21.]

C. NEW ENGLAND DEPOSIT LIBRARY

(Acts 1941, ch 240)

Sec. 1 Dennis A. Dooley, state librarian; Milton E. Lord, director of the Public Library of the City of Boston, hereafter called the Boston Public Library; Elnor Gregory, librarian of the Boston Athenaeum; Allyn B Forbes, librarian of the Massachusetts Historical Society, William J Murphy, president of Boston College, Daniel L. Marsh, president of Boston University, Keyes D Metcalf, director of the Harvard University Library; William N Seaver, librarian of Massachusetts Institute of Technology, and their respective successors in such offices, together with such other persons as may be elected as provided in section three to represent other libraries, or as otherwise may be associated with them or succeed them, are hereby constituted and made a corporation by the name of New England Deposit Library for the purposes of providing and maintaining, in such manner and to such extent as the governing board of said corporation shall determine, a place or places of deposit and storage of books, pamphlets, photographs, music scores, phonograph records, moving picture films and other articles or documents containing written or printed matter belonging to or in the possession of libraries operated by the United States, by the commonwealth or any other state, by any city or town, by any subdivision, board or agency of the commonwealth or of any other state or of any city or town, by any non-profit institution, or by any literary, educational, charitable, religious or scientific society, corporation, association or trust, and of providing library facilities and services of any kind or description with respect to such books and other articles.

The objects of the corporation hereby created shall be exclusively charitable, educational, scientific and literary, and said corporation shall have perpetual existence, until and unless dissolved in accordance with law.

No funds of said corporation shall be distributed among its own members, but all such funds shall be devoted solely to the carrying out of the

purposes for which said corporation is created. Said corporation shall have no capital stock.

Sec. 2. Said corporation shall have authority to hold for the purposes aforesaid real and personal estate in any amount, which estate or its income shall be devoted to the purposes set forth in this act or to such other charitable, educational, scientific or literary purposes as the corporation may be permitted to engage in by lawful amendment of its charter. All property of said corporation, however received or acquired, and all bequests, devises or gifts to said corporation, shall be deemed to be for or held for valid charitable purposes.

Sec. 3. The incorporators named in section one and their successors in the offices which in said section they are respectively described as occupying shall constitute the members of said corporation, and said members may from time to time in their discretion elect, by a two thirds vote of all the members for the time being, as additional members not more than one person to represent each library which may be admitted by the governing board of said corporation to the use of the facilities and services of said corporation. The members of said corporation as such shall have only such powers as are expressly granted to them by this act.

The term "participating institution" when used in this act shall be deemed to refer to any body politic, city or town, public board or agency, non-profit institution, library, or literary, educational, charitable, religious or scientific society, corporation, association or trust (a) which is expressly mentioned in section one of this act or which maintains a library which has been admitted by the governing board of said corporation to the use of the facilities and services of said corporation, and (b) which continues to utilize such facilities and services. No library, institution, society, corporation, association or trust formed to engage in business for profit shall become a participating institution. Unless otherwise provided by a contract with said corporation, any participating institution may cease to be such and may cease to utilize the facilities and services of said corporation by delivering to said corporation, addressed to its treasurer, six months' written notice of its intention to cease to be a participating institution upon a date stated in said notice, provided, that the state library, the Boston Public Library, the commonwealth or any city, town or subdivision thereof, or any department, board or agency of the commonwealth or of any city, town or subdivision thereof may cease to be a participating institution at any time by delivering to said corporation not less than one hundred and twenty days' written notice of intention to cease to be a participating institution upon a date stated in the notice.

Whenever any participating institution shall cease to utilize the facilities and services of said corporation, any member or members of the corporation representing such institution shall cease to be such members. The determination of two thirds of the members of the governing board shall

be final as to the right of any person to remain a member of said corporation. The governing board may provide by regulation for the disposition of books and other material deposited with it by participating institutions ceasing to utilize the facilities and services of the corporation, which fail to remove such books and material after reasonable notice.

The whole control and government of said corporation, subject only to the powers expressly granted by this act to its members, shall be vested in a governing board consisting of seven directors. Until and including February first, nineteen hundred and forty-six, or until their respective successors as directors are duly elected and qualified, the directors shall be the individuals respectively occupying each of the following positions, viz., state librarian, librarian of the Boston Athenaeum, director of the Boston Public Library, librarian of Boston College, librarian of the library of the College of Liberal Arts of Boston University, director of the Harvard University Library and the librarian of Massachusetts Institute of Technology and their respective successors from time to time in said offices, and such individuals shall continue to be directors or to be entitled to serve as such only while occupying such positions. After February first, nineteen hundred and forty-six, and so long as the state library and the Boston Public Library, respectively, shall continue to be participating institutions, the individuals occupying the offices of state librarian and director of the Boston Public Library, respectively, and their respective successors from time to time in the said offices, while occupying said offices, shall each be directors of said corporation, and the remaining five directors shall be selected in the manner hereinafter provided in this section. If the state library or the Boston Public Library, respectively, shall at any time cease to be participating institutions, the state librarian or the director of the Boston Public Library, respectively, as the case may be, shall cease to be a director, and thereafter, for each of said two institutions ceasing to be a participating institution an additional director shall be elected at each election in the manner hereinafter provided in this section. From and after February first, nineteen hundred and forty-six, the five directors remaining to be elected, and any additional director or directors to be elected by reason of the fact that the state library and the Boston Public Library, or either of them, shall have ceased to be participating institutions, shall be chosen at five year intervals, as hereinafter provided, by the members of said corporation other than the members representing the state library and the Boston Public Library, which institutions so long as they severally are participating institutions shall be represented by the state librarian and the director of the Boston Public Library, respectively, as aforesaid. In any such election the members entitled to vote shall have voting power in proportion to the use of the facilities and services of said corporation for which each participating institution which they severally represent shall have been paying, as determined by the governing board as of November first of the year next prior to

the year in which such election shall be held ; provided, that no member representing any participating institution shall be entitled to exercise more than forty per cent of the total voting power at any such election. The first such election shall be held at a meeting of the members of the said corporation to be held at such time as the governing board shall select, not later than February first, nineteen hundred and forty-six, or at a meeting called thereafter in lieu of such meeting if by inadvertence or otherwise such meeting shall not be called seasonable. Every subsequent election shall take place at a meeting to be called by the governing board in January of every fifth year following the year nineteen hundred and forty-six, or at a meeting in lieu of such meeting if by inadvertence or otherwise such meeting shall not be called seasonably. Such directors so elected shall serve for terms expiring five years from February first in the year of their election and until their respective successors are elected and qualified. Whenever a vacancy shall occur in the elected membership of said governing board, the remaining directors may fill such vacancy for the balance of the unexpired term. Any vacancy which may exist in the governing board from time to time by reason of the fact that there is for the time being no occupant of an office, the holder of which is ex-officio a member of the governing board, may be filled for so long as such condition exists by the remaining directors, and any other vacancy occurring prior to February first, nineteen hundred and forty-six, may be filled by the remaining directors until such date. No person shall be eligible to election as a director or shall continue to be a director who is not a member of said corporation or a trustee, officer or librarian or a member of the faculty or the teaching staff of a participating institution. Any member of the corporation may vote on any matter at any meeting of the members of the corporation either in person or by written proxy given as of a date not more than six months prior to such meeting.

Sec 4 Said governing board shall elect a president, a treasurer, a clerk and such other officers as they may deem necessary, and may prescribe their duties, and may, but need not, require the treasurer to give bond with satisfactory sureties in such sum as in their discretion they may deem wise and expedient. The directors of said corporation shall not be entitled to any compensation for their services as such directors, but may by vote of the governing board be granted and paid their reasonable traveling and other expenses incurred in the service or work of said corporation, but no bill for such expenses shall be submitted or paid unless it has first been approved by the treasurer of said corporation.

Sec. 5. The governing board may from time to time make, adopt, alter, amend and repeal by-laws and rules and regulations consistent with law for the conduct of the affairs and services of said corporation. Said governing board, with the approval of a majority of the members present at a meeting of the members called for the purpose, may effect any amendment of the *charter or purposes of said corporation* which a corporation formed for

similar purposes under chapter one hundred and eighty of the General Laws could lawfully effect. Said corporation shall have all the powers and privileges, and be subject to all the restrictions, duties and liabilities, set forth in all general laws now or hereafter in force relating to such corporations, except as otherwise provided herein. Said corporation shall not be subject to sections one to six, inclusive, and sections twelve, twenty-six and twenty-six A of chapter one hundred and eighty of the General Laws. In addition to all other powers granted by this act and by the provisions of the General Laws, said corporation shall have the following powers:

- (a) To furnish, lease or rent storage space and library facilities to participating institutions;
- (b) To purchase, convey or lease real and personal property within or beyond the limits of the commonwealth as may be necessary or expedient for the purposes of its organization;
- (c) To carry on such activities consistent with its corporate purposes as may be convenient or desirable, either within or beyond the limits of the commonwealth, including, without limitation of the foregoing, the maintenance of a service of delivery of books and other articles deposited with it to depositors and others by messenger, mail or otherwise;
- (d) To make contracts, incur liabilities and borrow money from any person or persons, including without limitation any participating institution other than the commonwealth or a subdivision or agency thereof or any city or town, on the credit of said corporation and for its use, and to mortgage or pledge any of its real or personal property to secure loans, but no mortgage of any real estate of the corporation shall be made except upon the affirmative vote of two thirds of the members of the governing board at a meeting of said board called for the purpose;
- (e) To have perpetual succession in its corporate name;
- (f) To receive, accept, purchase, or otherwise acquire, hold, administer and dispose of property of any kind and description which at any time and from time to time may or shall be given, devised, bequeathed, conveyed, sold, transferred or assigned to said corporation in connection with or for or in furtherance of the purposes and objects to be served and accomplished by the creation of the corporation, or any of them;
- (g) To publish, purchase, sell, circulate and distribute, in such manner as the governing board shall from time to time deem expedient, any and all educational, literary, scientific or scholarly publications, books, catalogs and periodicals dealing with the books and other material deposited in said library or available in participating and other libraries.

Sec. 6. If and to the extent that such authorization may be necessary

or expedient, the President and Fellows of Harvard College are hereby given full authority from time to time in their discretion to convey or to lease to said corporation, either without consideration or upon such terms and conditions as may be agreed upon by said corporation and said President and Fellows, the whole or any part of any land in the Brighton district of Boston lying in general northeasterly of the junction of Cambridge and Windom streets and within fifteen hundred feet of said junction which said President and Fellows may now own or may hereafter acquire, or any other land in the commonwealth owned by them, and in the discretion of said President and Fellows, not required for the corporate purposes of said President and Fellows, but nothing in this section shall be construed as requiring any such conveyance or lease.

The said land while owned or leased by said corporation and all property, real or personal, and income of said corporation and all books, pamphlets, documents, or other articles deposited with said corporation and owned by said corporation or by any participating institution shall be exempt from taxation by the commonwealth or any agency or subdivision thereof or by any city or town. Said corporation shall not be subject to any tax upon or with respect to its income or corporate franchise.

Sec. 7 Full power and authority are hereby given to the trustees of the state library, the trustees of the Boston Public Library, and to any city or town or any other subdivision, board, department or agency of the commonwealth or of any of its cities, towns or subdivisions, or to any board having custody of any publicly owned library and to any charitable, educational, scientific, religious, or literary corporation, institution, association or trust, and to any participating institution, and to the directors, trustees, librarians and other officers of any of the foregoing

(1) To deposit with said corporation any books, pamphlets, documents, or other articles which the governing board of said corporation is willing to receive,

(2) To participate as provided in this act, but subject to and in accordance with the duly adopted by-laws or rules and regulations of said corporation, in the management of said corporation and to hold office in said corporation;

(3) To make contracts with said corporation for the storage of books, pamphlets and other articles and for library facilities and service connected therewith for such term or period as they or any of them and said corporation may deem proper and to pay therefor a reasonable charge, which in the case of the commonwealth or any subdivision thereof, of any city or town or of any board, department or agency of the commonwealth or any subdivision thereof, shall not exceed a reasonable charge based upon an equitable allocation, as determined by the governing board in accordance with any applicable by-laws or rules or regulations which it may adopt, (a) of the operating and maintenance expenses of said corporation, in-

cluding reasonable repair, depreciation and contingency reserves, and (b) of the expenses of debt service, insurance of the structures and equipment owned by said corporation and amortization of loans incurred for buildings, library equipment and other facilities provided by said corporation;

(4) Except in the case of the commonwealth or any subdivision thereof, or of any city or town, or of any board, department or agency of the commonwealth or any subdivision thereof, or any city or town, to make grants or gifts to said corporation in aid of the construction or provision of storage or library facilities, buildings and equipment, the amount and nature of which contributions may be taken into account in such manner as the governing board may determine in fixing the amount of any charges for storage and library facilities and service to the participating institution making such grant or gift, provided, that the foregoing provision shall not be deemed to authorize any expenditures of funds held upon specific trust which by the terms of such trust may not properly be expended for such purpose

Nothing in this act shall be construed to require said corporation to permit any library, city, town, body politic, or public agency, or any corporation, institution, association or trust to utilize the facilities of said corporation, unless the governing board shall approve such use and then only subject to the by-laws and rules and regulations of said corporation and to such terms and conditions as the governing board may determine. The trustees of the state library and the state librarian shall have full authority to deposit books and other articles with said corporation notwithstanding the provisions of sections thirty-three to thirty-nine, inclusive, of chapter six of the General Laws. Any contract made with said corporation by or in behalf of the state library or with respect to books or other property in the custody of the state librarian or of any other agency, department or board of the commonwealth shall be subject to approval by the board of trustees of the state library. Any contract made with said corporation with respect to books or other property of the Boston Public Library shall be subject to approval by the board of trustees of said library. Any contract made with said corporation by any city or town or other subdivision of the commonwealth or by any board or agency of any such city, town or subdivision, shall be subject to approval by the board or officers having power to make contracts with respect to the same. Any contract made by or in behalf of the commonwealth or any city, town or subdivision thereof or of any department, board or agency of the commonwealth or of any city, town or subdivision thereof shall contain a provision that the payment of storage charges, or rents, or of any fee for library facilities and services, shall be made only from valid appropriations made or thereafter to be made from which the payment of such charges, rents and fees can properly be made. Any books, pamphlets, documents, records or other articles deposited with said corporation or in a building owned or used by said corporation shall remain the property of and shall be held on deposit wholly

at the risk of the participating institution making such deposit or other owner, unless the depositor or owner shall transfer title to such books, pamphlets, documents or other articles to said corporation. Nothing in this act shall be construed to prevent the state library, the Boston Public Library, the commonwealth or any city, town or subdivision thereof or any department, board or agency of the commonwealth or of any city, town or subdivision thereof from ceasing to be a participating institution at any time in the manner provided in section three

Sec. 8. The provisions of the various sections of this act are hereby declared to be separable and if such provision, or the application of such provision to any person or circumstance, shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions of said sections or the application of such provision to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent that said sections would have been enacted had such invalid or unconstitutional provision not been included therein. Without limitation of the foregoing, it shall not affect the validity of any of the other provisions of this act, or the validity of any provision of this act with respect to any other person, if it shall be held that any participating institution or any officer of any participating institution or any public body or officer, notwithstanding the provisions of this act, is without authority to do any act or thing or to make any expenditure or grant or to carry out any duty or power or exercise any authority, which this act or any provision of this act purports to authorize or require [Approved May 5, 1941.]

D. DISTRIBUTION OF PUBLIC DOCUMENTS

(Massachusetts Gen. Laws [Ter Ed. 1932], ch 5, s 3 [as amended by Acts 1938, ch 196], s 4, 7-8, s 9 [as amended by Acts 1933, ch 245, s 1], s 10 [as amended by Acts 1939, ch 508, s 10], s 11 [as amended by Acts 1941, ch 329], s 17)

Ch. 5, Sec. 3. **Annual distribution of the laws.** To the state library, for use therein and for the purpose of exchange, one hundred; * * * the Massachusetts Historical Society, the New England Historic Genealogical Society, the Boston Athenaeum, the American Antiquarian Society in Worcester, the state teachers colleges, such free public libraries and branches thereof in the commonwealth as the state secretary may designate, county law libraries, all incorporated law libraries and branch libraries maintained by them. * * * [1938, 196.]

Sec. 4. **Pamphlet edition of the laws.** The state secretary shall also, at the close of each regular session of the general court, publish in pamphlet form such number of copies, not exceeding twenty thousand, as he may determine, of the acts and resolves passed and of any proposed amendments to the constitution passed during such session. * * *

He shall also, as soon as any act or resolve is passed, send a copy thereof to the following * * * county law libraries, and all incorporated law libraries and branch libraries maintained by them. [1922, 198, s 2.]

Sec. 7. Distribution of public documents. The state secretary shall furnish to each town of the commonwealth, to be preserved in a public place therein, one copy of each of such reports included in the public document series as the town clerk may apply for. He shall furnish one copy of each of said reports to such public and other libraries as may apply therefor * * * Ten copies shall be placed in the state library for the use of the library and for exchange. [1919, 350, s 24.]

Ch 5. Sec. 8. Official text books, etc.; distribution. When in the opinion of the director of the division of personnel and standardization, a state publication is not of sufficient public benefit to be distributed free of charge, he may declare such publication to be an official text book, case book or technical report; provided, that the status of such publication has not already been determined by the general court. Text books, case books or technical reports shall be distributed exclusively by the state secretary. They shall be distributed free of charge, but only upon written request, to such persons and in such numbers as are mentioned in the preceding section, or for the purpose of exchange with other states. [1924, 422, s 2]

Ch 5. Sec. 9. Preservation, printing and distribution of copies of proceedings of certain war veterans' organizations. The state secretary shall annually procure copies of the proceedings of the annual encampments of the departments of Massachusetts, Grand Army of the Republic, United Spanish War Veterans, The American Legion, Disabled American Veterans of the World War and Veterans of Foreign Wars of the United States, held in that year, with the general and special orders, circulars and other papers forming parts thereof, and shall cause the same to be kept as parts of the records of the commonwealth. He shall annually cause copies thereof, including in the case of those relating to the Grand Army of the Republic the portraits of the department officers and staff and of the executive committee of the national encampment, to be printed and bound, and shall cause one printed and bound copy of each to be sent to each town library in the commonwealth. [1933, 245, s.1.]

Sec. 10. Printing and distribution of journals of each branch of general court, etc. One thousand copies of the journals of the senate and of the house of representatives shall be printed biennially under the direction of the respective clerks thereof; * * *

The foregoing publications shall, under the direction of said clerks, be distributed as follows: * * * ten copies to the state library for use therein and for exchange. The state secretary * * * shall also send one copy of said journals to each free public library in the commonwealth * * * [1939, 508, s 10.]

Sec 11 Manual of the general court; preparation and distribution. The

clerks of the two branches shall in every odd-numbered year prepare a manual for the general court, of which not more than ten thousand five hundred copies shall be printed under their direction. These copies shall be delivered to the state secretary and by him distributed; so far as the edition will permit, as follows: * * *

To the state library, for use therein and for the purpose of exchange, one hundred and ten;

To * * * Massachusetts Historical Society, the New England Historic Genealogical Society, the Boston Athenaeum, the American Antiquarium Society in Worcester, such free public libraries and branches thereof in the commonwealth as the state secretary may designate, and to such other free public libraries in the commonwealth making written application therefor, county law libraries, all incorporated law libraries in the commonwealth and branch libraries maintained by them. * * * [1941, 329.]

Sec. 17 Delivery charges on documents. Delivery charges on documents forwarded to members of the general court and to free public libraries shall be prepaid by the commonwealth [1895, 93; R.L. 9, s 15]

E. AGRICULTURAL LIBRARIES

(Massachusetts Gen Laws [Ter. Ed 1932], ch 128, s 15)

Ch. 128, Sec 15 Certain duties of employees. Employees of the agricultural department shall visit towns to inquire into the methods and needs of practical husbandry, ascertain the adaptation of agricultural products to soil, climate and markets, encourage the establishment of farmers' clubs, agricultural libraries and reading rooms * * * [1919, 350, s 34]

F. MUNICIPAL LIBRARIES

(Massachusetts Gen Laws [Ter Ed 1932], ch 78, s 7-13; *Ibid*, ch 40, s 5, s 44, *Ibid*, ch 140, s 172 [as amended by Acts 1932, ch 289, s 8])

Ch 78, Sec 7 Cities and towns may establish public libraries. A town may establish and maintain public libraries for its inhabitants under regulations prescribed by the city council or by the town, and may receive, hold and manage any gift, bequest or devise therefor. The city council of a city or the selectmen of a town may place in such library the books, reports and laws which may be received from the commonwealth [R.L. 38, s 6]

Sec 8 Public libraries may lend to non-residents, etc Any free town public library may loan its books or other library material to any other such library or to citizens of other towns or non-residents, under such written conditions and regulations as may be made by the board of trustees or other authority having control of the library so loaning. Any town may raise money to pay the expenses of so borrowing books and other library material from the library of any other town [1914, 118]

Sec. 9. Public libraries may return certain state publications. If the trustees of any town library shall vote not to keep or receive any of the

books and reports which the state secretary is authorized to send thereto, the secretary, at the request of the supervisor of public records, may discontinue sending them. Any of said books and reports in the custody of any town library may be returned at its expense to the state library, or, with the sanction of the board of free public library commissioners, may otherwise be exchanged or disposed of. [1919, 350, s 24]

Sec. 10. Trustees of town libraries. A town which raises or appropriates money for the support of a free public library, or free public library and reading room, owned by the town, shall, unless the same has been acquired entirely or in part through some gift or bequest which contains other conditions or provisions for the election of its trustees, or for its care and management, which have been accepted by the town, elect by ballot at a meeting a board of trustees consisting of any number of persons, male or female, divisible by three, which the town determines to elect. When such board is first chosen, one-third thereof shall be elected for one year, one-third for two years and one-third for three years, and thereafter one-third shall be elected annually for a term of three years. The board shall from its own number, annually choose a chairman and secretary and, if the town so votes, a treasurer, who shall give a bond similar to that given by the town treasurer, in an amount and with sureties to the satisfaction of the selectmen. Until the town otherwise directs the town treasurer shall act as treasurer of the board of trustees [R L 38, s.7.]

Sec 11 Powers and duties of trustees. The board shall have the custody and management of the library and reading room and of all property owned by the town relating thereto. All money raised or appropriated by the town for its support and maintenance shall be expended by the board, and all money or property which the town may receive by gift or bequest for said library and reading room shall be administered by the board in accordance with the provisions of such gift or bequest [1888, 304, s.4; R.L 38, s 8]

Sec 12. Trustees to make reports. The board shall make an annual report to the town of its receipts and expenditures and of the property in its custody, with a statement of any unexpended balance of money and of any gifts or bequests which it holds in behalf of the town, with its recommendations. [1888, 304, s 6, R.L.38, s 9]

Sec. 13 Law libraries not affected by three preceding sections. The three preceding sections shall not apply to library associations, nor to a library organized under a special act [1888, 304, s 7 ; R L.38, s 10.]

Ch. 40, Sec 5 Power to make appropriations. A town may at any town meeting appropriate money for the following purposes:

* * * * *

(18) For the establishment, maintenance or increase of a public library therein, and for the erection or provision of suitable buildings or rooms therefor, or for maintaining a library therein to which the inhabitants have

free access and of which they have the use, and for establishing and maintaining a public reading room in connection with and under the control of the managers of such library. [1880, 111, s 1; P.S.40, s 10.]

Sec. 44. Establishment of improvement districts. A town may, at a town meeting, authorize a village or district therein, if it contains not less than one thousand inhabitants, to organize under a name approved by the town for the purpose of * * * establishing and maintaining libraries, * * * and shall accurately define the limits of such village or district. Such village or district shall have a clerk and a prudential committee, and may have a treasurer and such other officers as it determines, each of whom shall hold office for one year and until another is qualified. Such village or district may adopt by-laws to define the manner of calling its meetings and the duties of its officers, may sue and be sued in the name of its inhabitants, and so far as appropriate, shall be subject to sections sixty-two, sixty-three, sixty-six, sixty-nine, seventy-one, seventy-two, seventy-three, seventy-seven and seventy-nine of chapter forty-eight [1870, 332: P.S 27, ss 37-40; R.L.25, s 44]

Ch. 140, sec 172. Disposition of unexpected balance of dog fund. Money received by a county treasurer under the preceding sections relating to dogs, and not paid out for damages, license blanks or books, record books, anti-rabic vaccine or other purposes as required under said sections, shall, in January, be paid back to the treasurers of the towns in proportion to the amounts received from such towns, and the money so refunded shall be expended for the support of public libraries or schools. In Suffolk county, money so received by the town treasurer and not so paid out shall be expended by the school committee for the support of public schools [1932, 289, s 8]

G. INCORPORATED LIBRARIES

(Massachusetts Gen Laws [Ter Ed 1932], ch 78, s 1, 6, *Ibid* ch 180, s 1-3, s 5 [as amended by Acts 1934, ch 328, s 21], s 7-9, s.10 [as amended by Acts 1937, ch 151, s 1], s 11 [as amended by Acts 1937, ch 151, s 2], s 26, s 26a [added by Acts 1933, ch.236, s 1].)

Ch 78, Sec 1. Existing corporations. Library corporations and associations which have been legally established shall continue to have all the powers and privileges and be subject to all the duties and restrictions attaching thereto [R.L 38, s 1]

Sec. 6. Law libraries to receive certain documents. All incorporated law libraries in the commonwealth shall be entitled to receive from the officers charged with the distribution of the same, copies of all books and documents to which the county law libraries are entitled by law, and one additional copy for each branch library maintained by them [1904, 209.]

Ch. 180, Sec. 1 Formation. Seven or more persons, a majority of whom are residents of the commonwealth, may form a corporation for any

of the purposes named in the following section. [1874, 375, s 1; P.S.115, s 1; R.L 125, s 1]

Sec 2 Purposes. Such corporation may be formed for any civic, educational, charitable, benevolent or religious purpose; for the prosecution of any antiquarian, historical, literary, scientific, medical, artistic, monumental or musical purpose; for establishing and maintaining libraries, for supporting any missionary enterprise having for its object the dissemination of religious or educational instruction in foreign countries, for promoting temperance or morality in the commonwealth, for encouraging athletic exercises or yachting; for encouraging the raising of choice breeds of domestic animals and poultry, for the association and accommodation of societies of Free Masons, Odd Fellows, Knights of Pythias or other charitable or social bodies of a like character and purpose, for the establishment and maintenance of places for reading rooms, libraries or social meetings; for establishing boards of trade, chambers of commerce and bodies of like nature [1925, 213]

Sec 3 Organization The corporation shall be formed in the manner prescribed in and subject to section nine of chapter one hundred and fifty-five and sections six and eight to twelve, inclusive, of chapter one hundred and fifty-six, except as follows * * * [1925, 226]

Sec 5 Before making and issuing a certificate of incorporation to a corporation formed for any of the purposes described in section two or approving the change of name of any corporation formed as aforesaid which is subject to section twenty-six, the state secretary may forward a statement to the aldermen of any city, except Boston, or to the selectmen of any town, where such corporation occupies or uses or is to occupy or use any premises for the transaction of any of its corporate activities, and, if such premises are or are to be in Boston, to the police commissioner, giving a list of the applicants for incorporation or to the officers of the corporation seeking to change its name, the purposes of such proposed incorporation or change of name as stated by them, the location of the premises occupied or used or proposed to be occupied or used, which shall include the street and number, if any, and all other facts which may be stated in the application for incorporation or the petition for approval of change of name. The mayor and alderman, selectmen or police commissioner, upon the receipt of such statement, shall immediately make an investigation for the purpose of ascertaining whether any of the proposed incorporators, or officers of the petitioning corporation, or any other persons known to be, or apparently, identified with the said proposed or petitioning corporation as members, stockholders, employees or otherwise, and actually participating or to participate in the management of its affairs, or in the direction of its business, have been engaged in the illegal selling of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or in keeping places or tenements used for illegal gaming, or in any other business or vocation pro-

hibited by law, or are persons of ill repute, or whether any location to be occupied is unsuitable, and shall forthwith report to the state secretary all the facts ascertained. If, in his opinion, it appears from said report or otherwise that a probable purpose or probable result of the formation of the proposed corporation or of the proposed change of name is or will be to cover or shield any illegal business or practices, or any business not within the scope of the expressed corporate purposes, he shall refuse to issue a certificate of incorporation or approve the change of name, as the case may be [1934, 328, s.21.]

Sec. 7 By-laws; officers. The corporation may prescribe by its by-laws the manner in which, and the officers and agents by whom, its purposes may be accomplished, and, instead of the directors and other officers to be chosen at the first meeting, it may have a board of other officers with the powers of directors, and presiding, financial and recording officers with the powers of president, treasurer and clerk, and its certificates of organization may be made, signed and sworn to by its presiding, financial and recording officers and a majority of its other officers having the powers of directors, and the certificate issued by the state secretary under section twelve of chapter one hundred and fifty-six shall be modified to correspond with the facts in each case [1874, 375, s 6, 1875, 49, s 1, P S 115, ss 5-6, R.L. 125, s 6]

Sec 8 Increase of capital. Such corporation, if organized under general laws, at a meeting called for the purpose may increase the amount of its capital stock and the number of shares therein to an amount not exceeding five hundred thousand dollars [1888, 177, R L 125, s 7.]

Sec 9. Corporations may hold property; limit of amount. Any corporation heretofore or hereafter organized under general or special laws for any of the purposes mentioned in this chapter may hold real and personal estate to an amount not exceeding five million dollars, which estate or its income shall be devoted to the purposes set forth in its charter or agreement of association or in any amendment thereof, and it may receive and hold, in trust or otherwise, funds received by gift or bequest to be devoted by it to such purposes. This section shall not limit the amount of property which may be held by a corporation in excess of said amount under the authority of any special law and shall be applicable notwithstanding the specification of a less amount in such a law, heretofore or hereafter enacted [G L. (1921 Ed) 180, s 9, 1930, 38]

Sec 10. Such corporation may, at a meeting duly called for the purpose, by vote of two thirds of the capital stock outstanding and entitled to vote, or, in case such corporation has no capital stock, by vote of two-thirds of the persons legally qualified to vote in meetings of the corporation, or by a larger vote if its agreement of association or by-laws shall so require, add to or change the purposes for which it was incorporated, if the additional or new purpose is authorized by section two. The presiding, finan-

cial and recording officers and a majority of its other officers having the powers of directors shall forthwith make, sign and swear to a certificate setting forth such addition to or change of purposes, which, having been submitted to the commissioner of corporations and taxation and approved by him, shall thereupon be filed in the office of the state secretary. [1937, 151.]

Sec. 11. A corporation organized under general or special laws for any of the purposes specified in section two, if unable to comply with section ten of this chapter or section ten of chapter one hundred and fifty-five, may petition the commissioner of corporations and taxation, hereinafter called the commissioner, for an addition to or change of purposes or for a change of name, as the case may be. The petition shall contain a list of the officers and stockholders or members of the corporation, so far as they are known, with their addresses; shall state why the section in question cannot be complied with and the additional or new purposes or the name proposed to be adopted by the corporation. It shall be signed and sworn to by the president or one member of the board of directors. The commissioner may require the petitioner to give him information as to what attempt, if any, has been made to secure the approval of two thirds of the stockholders or members, or of such proportion thereof as the agreement of association or by-laws of the corporation may prescribe, for the proposed addition to or change of purposes or for the proposed change of name. The commissioner may also require any other information which may assist in determining the matter before him. He may direct the petitioner or the officers of the corporation to give any further notice to the members thereof of the proposed addition to or change of purposes or change of name and to report to him the result of such notice. If the commissioner is satisfied that the proposed new or additional purposes or the proposed name of the corporation is approved by such members and stockholders thereof as have expressed an opinion in relation thereto, or of a reasonable proportion thereof, he shall, in the case of a change of name, endorse his approval on the petition, or, in the case of an addition to or change of purposes, if he finds that the additional or new purpose is authorized by said section two, he shall so endorse his approval, and thereupon the petition shall be filed in the office of the state secretary, who shall, in the case of a change of name, direct publication thereof and grant a certificate of name as provided in section ten of said chapter one hundred and fifty-five. No petition hereunder for a change of name of a corporation subject to section twenty-six shall be considered by the commissioner until after such change of name has been approved by the state secretary. [1937, 151, s 2]

Sec. 26. **Change of location of certain associations.** No corporation organized under general laws for the purpose of fostering, encouraging or engaging in athletic exercises or for the establishment and maintenance of places for reading rooms, libraries or social meetings shall change its location from the town where it is located to another town within the com-

monwealth, nor change its location within any town, until written consent therefor has been obtained from the police commissioner in Boston, the alderman in any other city or the selectmen in the town where the corporation proposes to acquire a new location. Such consent shall not take effect until a copy thereof, duly attested by the clerk or secretary of the board or officer consenting thereto, has been filed in the office of the state secretary. A change of location by a corporation contrary to this section shall be sufficient cause for the revocation of its charter by the state secretary. [1926, 247.]

26A. Every corporation heretofore or hereafter organized under general or special law for any purpose mentioned in section twenty-six shall annually, on or before November first, prepare and submit to the state secretary a certificate which shall be signed and sworn to by its president and treasurer, or its presiding and financial officers having the powers of president and treasurer, and a majority of its directors, or officers having the powers of directors, stating—

- 1 The name of the corporation
- 2 The location (with street address) of its principal office or headquarters.
- 3 The date of its last preceding annual meeting
- 4 The names and addresses of all the officers and directors, or officers having the powers of directors, of the corporation, and the date at which the term of office of each expires

The state secretary shall examine such certificate, and if he finds that it conforms to the requirements of this chapter he shall, upon payment of a fee of two dollars, file the same in his office

Failure by such a corporation for two successive years to submit such a certificate shall be sufficient cause for the revocation of its charter by the state secretary.

This section shall not apply to literary, benevolent, charitable, scientific or religious corporations whose real or personal property is exempt from taxation. [1933, 236, s.1]

H. COUNTY LAW LIBRARIES

(Massachusetts Gen Laws [Ter. Ed. 1932], ch 78, s 2-3, s 4 [as amended by Acts 1935, ch 202], s 5)

Ch. 78, Sec. 2. **Organization of county law libraries.** Attorneys at law who have been admitted to practice in the courts of the commonwealth and who are resident in a county for which there is no law library association may organize, under chapter one hundred and eighty, by the name of the law library association for such county, and may adopt by-laws which shall be subject to the approval of the superior court [1842, 94; s.1; 1856, 184; G.S.33, s.2; P.S.40, s.2; R.L 38, s.2.]

Sec. 3. **Use of libraries.** Inhabitants of the county shall, subject to the

by-laws, have access to the library and the books therein. [1842, 94, s.2; G.S 33, s 5, P S 40, s 5, R.L 38, s 3]

Sec 4. Payments to county law libraries. The treasurer of each county shall annually pay for the support of law libraries therein such sums as may be appropriated therefor by the general court, and the county commissioners shall include in the estimates required to be filed under the provisions of section twenty-eight of chapter thirty-five such sums as they may recommend for such law libraries Sums so appropriated shall be applied to the purchase of books and maintenance of libraries for the use of courts and of citizens In counties having any law library association the county commissioners shall secure from such association recommendations as to the amount deemed necessary for such maintenance [1935, 202]

Sec. 5. County law libraries to receive legislative documents. Each law library association shall be entitled to receive from the sergeant-at-arms, immediately after their publication, one copy of the volume of the legislative documents of the senate and house, the journal of the senate and the journal of the house. [1871, 387, P S.40, s 8, R L 38, s 5]

I. RETIREMENT SYSTEMS AND PENSIONS

(Massachusetts Gen Laws [Ter Ed. 1932] ch 32, as amended, covers retirement systems and pensions for state, county, and city and town employees)

J. PROTECTION OF LIBRARY PROPERTY

(Massachusetts Gen Laws [Ter Ed 1932], ch 266, s 99-100, *Ibid*, ch 270, s 14, *Ibid*, ch 272, s 41)

Ch. 266. Sec. 99. Defacement of books, etc., of libraries. Whoever wilfully, intentionally and without right, or wantonly and without cause, writes upon, injures, defaces, tears or destroys a book, plate, picture, engraving, map, newspaper, magazine, pamphlet, manuscript or statue which belongs to a law, city, town or other public or incorporated library shall be punished by a fine of not less than five nor more than fifty dollars or by imprisonment for not more than six months [1901, 268, s 4, R L 208, s.83]

Sec 100. Detention of books of libraries. Whoever wilfully, intentionally and without right, or wantonly and without cause, detains a book, newspaper, magazine, pamphlet or manuscript which belongs to a law, city, town or other public or incorporated library for thirty days after a written notice from the librarian thereof, containing a copy of this section and given after the expiration of the time during which, by the regulations of such library, such book, newspaper, magazine, pamphlet or manuscript may be kept, shall be punished by a fine of not less than one nor more than twenty-five dollars or by imprisonment for not more than six months [1901, 268, s 4, R L 208, s 84]

Ch 270, Sec 14 Expectoration in certain public places. Whoever expectorates or spits * * * except in receptacles provided for the purpose, in

or upon any part of * * * any public library or museum, * * * shall be punished by a fine of not more than twenty dollars [1908, 150]

Ch 272, Sec 41 **Disturbance of public libraries.** Whoever wilfully disturbs persons assembled in a public library, or a reading room connected therewith, by making a noise or in any other manner during the time when such library or reading room is open to the public shall be punished as provided in the preceding section [1885, 225, R L 212, s 33.]

K. OBSCENE LITERATURE

(Massachusetts Gen Laws [Ter Ed 1932], ch 272, s 28 [as amended by Acts 1934, ch 231])

Ch. 272, Sec. 28 **Penalty for possession or sale, etc., of obscene literature.** Whoever imports, prints, publishes, sells or distributes a book, pamphlet, ballad, printed paper or other thing which is obscene, indecent or impure, or manifestly tends to corrupt the morals of youth, or an obscene, indecent or impure print, picture, figure, image or description, manifestly tending to corrupt the morals of youth, or introduces into a family, school or place of education, or buys, procures, receives or has in his possession any such book, pamphlet, ballad, printed paper, obscene, indecent or impure print, picture, figure, image or other thing, either for the purpose of sale, exhibition, loan or circulation or with intent to introduce the same into a family, school or place of education, shall, for a first offence, be punished by imprisonment for not more than two years or by a fine of not less than one hundred nor more than one thousand dollars, or both, and for a subsequent offence by imprisonment for not less than six months nor more than two and one-half years or by a fine of not less than two hundred and not more than two thousand dollars, or both [1934, 231]

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A. STATE LIBRARY

(Michigan Stats. Anno, v 9, 1937, p.305, s 13 44; *Ibid.* v.11, p 525-535, s.15.1541, 15 1544, 15.1548-15.1554, 15 1571, 15 1581, 15 1591, 15 1592, 15 1601-15 1604, 15 1611, 15 1621, 15 1622, 15 1631, 15 1632, 15 1641, 15.1651, 15.1652; *Ibid.* 1941 Suppl p.114-117, s 15 1565 [1]-15.1565 [8].)

Sec. 13.44. Specimens for exhibition. Sec. 5. It shall be the duty of said board to cause ample materials to be collected for the illustration of every department of the geology and minerology of the state, and to label, arrange and prepare the same for exhibition in suitable cases in the museums of the state university, agricultural college, and state normal school, and in each of the incorporated colleges of the state, and in a room in connection with the state library. [C.L.'29, s 5670]

Sec. 15.1541. Location, Contents. The state library shall be kept in the room in the capitol which it now occupies, unless some other provision shall be made by the legislature in reference thereto. It shall consist of the books, pamphlets, papers, pictures, maps, charts, and documents of every description now belonging to the same, together with all such others as it may acquire by gift, purchase, exchange or otherwise The members of both houses of the legislature and the executive and judicial officers of the state shall at all times have free access thereto, under such rules and regulations as may be made for governing the library [C.L.'29, s.8022]

Sec. 15.1544 Same; receipt for property, oath, bond. The state librarian shall, before entering upon the duties of his office, file with the secretary of state his receipt for all property entrusted to him, take and subscribe the oath of office prescribed by the constitution and give a bond in the penal sum of ten thousand (10,000) dollars, with sureties to be approved by the secretary of state, conditioned for the safe keeping of such property as may be entrusted to his care. Said bond and receipt shall be filed in the office of the secretary of state, and they shall not be canceled, nor shall the sureties on said bond be released from their obligations thereon, until the receipt of the successor to the said librarian, for the property delivered over to him, shall have been obtained and payment for all deficiencies made [C L.'29, s 8025.]

Sec. 15.1548. Library clearance certificate. Before any member of the legislature, or of any convention to revise the constitution, or other officer or employee of the State, who may be authorized by the rules of the State Library to draw therefrom, shall receive their pay in full, it shall be necessary for them to obtain and exhibit from the State Librarian, a certificate stating that they have returned all the books they may have drawn from the State Library. Before a final settlement with any State employee it shall be the duty of the State officers to require such employees to obtain an exhibit to the officer in charge of their respective departments, the certificate above referred to. [C.L '29, s.8029]

Sec. 15.1549. State Librarian; exchanges, sale of duplicates, use of

proceeds. The State Librarian shall exchange the judicial decisions, statutes, journals, legislative and executive documents of Michigan, and other books placed in the care of the State Librarian for the purpose of exchange, with the libraries of other States and the government of the United States, and of foreign countries, and with societies and institutions. The State Librarian may sell or exchange duplicate volumes or sets of works not needed for use in the State library and apply the proceeds to the purchase of other books for the library. [C.L.'29, s.8030]

Sec 15 1550 Associate libraries; certificate issuance and revocation. Any public, incorporated, school, or college library in the state having not less than one thousand (1,000) volumes, other than publications furnished by the state, may, upon compliance with the provisions of the rules prescribed by the library committee, become an "associate library" with the state library and be entitled to all the privileges accorded by this act to associate libraries. It shall be the duty of the state librarian to issue, to any eligible library complying to the rules above mentioned, a certificate of association showing that such library has become an "associate library" The associate relationship may be terminated at any time by a surrender of said certificate and the return of all books belonging to the state library, whereupon the state librarian shall return to the librarian of such associate library any bonds or deposits held for the return of books. The associate relationship may also be terminated by a violation of such rules as the library committee may prescribe. [C L '29, s 8031]

Sec. 15.1551. Same; reports, contents, time of making. The librarian of every associate library shall make an annual report to the state librarian of the names of its directors, trustees or managers, the number of volumes contained in such library and the number of volumes drawn therefrom during the preceding year Such report shall be made at the close of the fiscal year of such associate library The librarian shall also report at once any changes made in its directors or officers during the year [C L '29, s 8032.]

Sec. 15 1552 Same; special orders, transportation. Under such reasonable rules and regulations as may be prescribed therefor, the state librarian, upon the requisition of the librarian of any associate library, may lend to such associate library any book which may be called for by any patron of such associate library, except such books, pamphlets, papers, maps, or documents as, in the discretion of the state librarian cannot, consistently with the best interests of the state library, be allowed to be taken therefrom Provided, That all expense of transportation shall in all cases be paid by the associate library borrowing such book or other property [C.L '29, s.8033]

Sec 15 1553 Same; instruction by state librarian. The directors, trustees, or managers, or the librarian of any associate library shall be entitled to ask from the state librarian any needed advice or instruction as to a

library building, furniture, equipment, government, service, rules for readers, selecting, buying, cataloguing, shelving, lending books, or other matter pertaining to the establishment, reorganization or administration of a public library. It shall be the duty of the state librarian to impart any such advice or instruction in his possession, whenever requested by any officer of an associate library. [C.L.'29, s.8034.]

Sec. 15.1554. **Same; violation of rules, loss of privileges.** If the responsible officers or managers of any associate library shall disregard, violate or refuse to comply with the rules and regulations relative to the loaning of books, such associate library shall be debarred from the privileges granted by this act [C.L.'29, s.8035.]

Sec. 15.1571. **Copies of the U.S. laws for state library; procurement, use.** The secretary of state is hereby authorized and directed to procure one or more complete copies of the laws of the United States to be deposited in the state library for the use of the legislature, and when so procured and deposited, the said copy or copies shall not be taken from the capitol by any person whatsoever. [C.L.'29, s.8042.]

Sec. 15.1581. **Distribution of U.S. statutes by state librarian.** The state librarian, upon the receipt of the statutes of the United States, furnished to the state as provided by act of congress, approved June 20, 1874, shall distribute one copy each to the offices of the governor, the secretary of state, the auditor general, state treasurer, the commissioner of railroads, the insurance commissioner, and the superintendent of public instruction, one copy to each of the justices of the supreme court, to each of the circuit judges of the superior courts of this state, and one copy to be kept in the office of the county clerk of each county in this state; 10 copies to the state university, 5 for the general and 5 for the law library; one copy to the library of the agricultural college; 12 copies to the state library, in all cases the officers receiving the said statutes shall deliver them to their successors in office, and after retaining 50 volumes for future use, the balance, if any, may be distributed to the incorporated libraries and colleges of this state, upon application and payment of charges for the delivery of the same. [C.L.'29, s.8043.]

Sec. 15.1591. **Women's study clubs; registration.** Women's clubs, organized for the purpose of study, and having regularly elected officers, may become registered in the Michigan State Library and be entitled to all the privileges accorded by section 2 of this act. Clubs applying for registration must furnish the state librarian with the names of its officers, its rules, and a copy of its program. It shall be the duty of the state librarian to furnish the club with a certificate of registration and a copy of the rules which will govern transactions between the club and the state library. [C.L.'29, s.8044.]

Sec. 15.1592. **Same; right to books; shipping expenses.** Under such reasonable rules as may be prescribed therefor, registered clubs shall be en-

titled to receive from the state library a book or collection of books to be kept for a limited time, excepting reference books and those which on account of their value and rarity cannot be taken from the library. When a collection of books called a special traveling library shall be sent, the regular traveling library fee shall be paid. If one or several books shall be sent for limited time by express, the user of the books shall pay all charges [C.L.'29, s 8045]

Sec. 15.1601. Grange libraries; registration. The libraries of all granges in good standing in the state may become registered with the Michigan State Library [C L '29, s 8046]

15.1602 Same; annual report to state librarian. Contents; loan of books by state librarian. The librarian of every registered grange library shall make an annual report to the state librarian, giving the name of the librarian, the number of volumes contained in the library and the yearly circulation of the books. The state librarian shall print this report, and a copy shall be sent to every registered grange library. Under such reasonable rules and regulations as may be prescribed therefor, the state librarian, upon the requisition of the librarian of a registered library, may lend to such library any book or books which may be called for by any patron of said library, except those books which cannot be allowed to be taken from the state library. [C.L '29, s 8047]

Sec 15 1603 Same; right library instruction; state grange lecturer. Sec. 3 Librarians or other grange officers may be entitled to ask from the state librarian any needed advice or instruction as to library building, furniture, equipment, government, rules for readers, selecting, buying, cataloguing, shelving, lending books, or other matters pertaining to the establishment or administration of the grange libraries. It shall be the duty of the state librarian to impart any such advice or instruction whenever requested by any officer of the grange. The lecturer of the Michigan state grange shall be and is hereby constituted an advisory officer to consult with the state librarian upon all matters connected with grange libraries [C L.'29, s 8048.]

Sec. 15.1604. Same; loss of privileges. Sec. 4 If the responsible officers or managers of any grange library shall disregard, violate or refuse to comply with the rules and regulations relative to the loaning of books, such grange library shall be debarred from the privileges granted by this act. [C L.'29, s 8049.]

Sec. 15.1611. Free distribution of worn books. Sec 1 The state librarian is hereby authorized to distribute free in the districts where, in the opinion of the state librarian, they are needed, any and all books which, on account of their worn condition, have been withdrawn from the traveling libraries [C.L.'29, s.8050.]

Sec. 15.1621. Debates of constitutional convention of 1907; distribution. Sec. 1. Any public library or educational institution in this state not

already having the two (2) volumes of debates of the constitutional convention of nineteen hundred seven (1907) shall be entitled to receive one (1) set of said debates without charge, on application therefor to the state librarian. [C.L.'29, s 8051.]

Sec. 15.1622. Same; sale, price. Sec. 2. The state librarian is hereby authorized to sell said debates to all other applicants at the rate of one dollar and fifty (1.50) cents for each set of two (2) volumes [C L '29, s 8052]

Sec. 15.1631. Library Commission; duty, annual report. Sec 2 It shall be the duty of the library commission to give advice and counsel to all free libraries in the state, and to all communities which may propose to establish them, as to the best means of establishing and administering such libraries, the selection of books, catalogung, and all other details of library management In January of each year the board shall make a report to the governor of its doings, of which report one thousand copies shall be printed by the state printer for the use of the board. [C L '29, s 8053]

Sec 15.1632 Free libraries; annual report. Sec 3. It shall be the duty of all free libraries organized under the laws of the state, whether general or special, to make an annual report to the board of library commissioners, which report shall conform as near as may be reasonable and convenient, as to time and to form such rules as the board may prescribe [C L '29, s 8054]

Sec 15.1641 State board of library commissioners; abolition, transfer of duties. Sec 1. The state board of library commissioners, created by act number one hundred fifteen (115) of the Public Acts of eighteen hundred ninety-nine (1899), is hereby abolished, and all of the duties of such board, as prescribed in said act shall hereafter devolve upon and be performed by the state librarian [C L '29, s 8055]

Sec 15.1651. Public libraries; annual report to county commissioner of schools. Sec 1. Hereafter it shall be the duty of the librarian of any and all public libraries, including township, school district, village or city libraries, to make an annual report regarding the location, condition and support of said library to the county commissioner of schools on or before the thirtieth (30th) day of June in each year [C L '29, s 8056]

Sec. 15.1652 County commissioner of schools; annual report to library commission. Sec 2 It shall be the duty of the county commissioner of schools in each county, immediately after receiving the reports from the several libraries in his county and before the first (1st) day of September of each year, to transmit to the secretary of the state board of library commissioners at Lansing a complete list of all the libraries other than personal libraries within his county, together with the several reports provided for in section one (1) of this act, blanks for reports in both instances

to be furnished by the board of library commissioners. [C.L.'29, s.8057.]

Sec. 15.1565(1). State board for libraries; members, term, appointment, vacancy, secretary, meetings, compensation and expenses, employees.

Sec. 1. There is hereby created a state board for libraries, hereinafter called the board, which shall possess the powers and perform the duties hereinafter granted and imposed. The board shall consist of five (5) members, who shall be appointed by the governor by and with the advice and consent of the senate. The term of office of each member of the board shall be five (5) years; Provided, That of those first appointed under this act one (1) shall hold office for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Each member of the board shall hold office until the appointment and qualification of his successor. In case of a vacancy in office other than by expiration of the term, the governor shall fill such office by appointment for the balance of the unexpired term. Immediately, following the qualifications of the new member each year the board shall elect from its membership a chairman and vice-chairman. The state librarian shall be designated to act as secretary and his duties shall be prescribed by the board. Meetings of the board may be called by the chairman and shall be called on request of the majority of the members of the board. Such meetings may be held as often as necessary and at such place or places as may be designated in the call therefor: Provided, That approximately one meeting shall be held each month and not fewer than ten meetings shall be held in each year. The members of the board shall receive no compensation for their services, but each member and all officers and employees of the board shall be entitled to reasonable expenses while traveling in the performance of any of the duties hereby imposed. Such expenses of all board members and employees of the board and salaries of employees of the board shall be paid out of the state treasury in the same manner as the salaries and expenses of other state officers and employees are paid. [Act No 106, Public Acts 1937]

Sec. 15.1565(2). Same; powers and duties. In addition to the other powers, duties and responsibilities in this act provided, the board

- (a) shall have general control and supervision of the state library;
- (b) may prepare and administer standards for certification for libraries and librarians,
- (c) shall inspect libraries which may be established or assisted under any legislative provision for state grants in aid to libraries;
- (d) shall assume immediate administrative responsibility and control over the establishment of regional libraries;
- (e) shall further the development of effective, statewide school library service, encourage contractual and co-operative relations between school libraries and local, county, district or regional libraries, and provide general advisory assistance;

- (f) may give advice and counsel to any public, school, state institutional, or other library within the state and to any community within the state which may propose to establish a library as to the best means of establishing and administering such library, selecting and cataloging books and other details of library management, may provide assistance by any of its employes in organizing such libraries or improving service given by them, and may aid in the establishment of libraries in any state institution;
- (g) shall be active in coordinating the library services of the states and in coordinating libraries with other educational agencies;
- (h) shall collect and preserve statistics, undertake research pertaining to libraries and make the resultant findings available to all public, school and institutional libraries within the state applying therefor;
- (i) may supply further advice and information to libraries in the state through field visits, conferences, institutes, correspondence, publications, and do any and all of the things it may reasonably be able to do to promote and advance library service in the state of Michigan. [Act No 106, Public Acts 1937]

Sec. 15.1565(3) **Same; control and direction of Michigan traveling libraries.** Sec. 3 Subject to the statutes of the state of Michigan, the board shall have general control over and direction of the "Michigan traveling libraries," may provide extension service and may prescribe rules and regulations under which selections of books may be loaned for a limited period to libraries and to communities in the state [Act No 106, Public Acts 1937]

Sec 15.1565(4). **Same; rules and regulations.** Sec 4 The board shall make and execute, modify and amend such rules and regulations not conflicting with the statutes governing the library as they may deem proper relative to the use and loans of books from the state library and also rules prescribing penalties and fines for any violation thereof, and shall determine all matters of policy in connection with the operation of the state library. [Act No. 106, Public Acts 1937]

Sec 15.1565(5). **Appointment of state librarian; qualifications, term compensation.** Sec 5 Upon the expiration of the term of the present librarian, the board shall appoint a state librarian, who shall have care and charge of the library and of the affairs pertaining thereto and shall perform such other duties as shall be prescribed by the board. The state librarian shall be a graduate of an accredited library school and shall have had at least four (4) years' experience in library work in an administrative capacity. Provided, The foregoing restriction shall not prevent the board from reappointing the present incumbent at the expiration of her present term of office, if it shall see fit to do so Such librarian shall hold office during the pleasure of the board The salary of the state librarian shall be fixed by the board and shall be payable monthly out of the state treasury upon the warrant of the auditor general. [Act No 106, Public Acts, 1937.]

Sec. 15.1565(6). **Assistant state librarians; appointment, title, bond; general assistants and employees; compensation.** Sec 6. The board shall also be authorized on recommendation of the state librarian to appoint one assistant, who shall be known as the assistant state librarian, one assistant who shall be known as assistant law librarian, and who shall have charge of the law library on filing a good and sufficient bond running to the state librarian, which shall be filed in the office of the secretary of state, and such other administrative and general assistants and employees as may be necessary for the care and management of the state library and the state law library and for carrying on and advancing the work of the board. The salaries of the assistant state librarian and of the assistant law librarian and of the other assistants and employees appointed by the board shall be fixed by it and shall be payable from the state treasury upon the presentation of a voucher certified to by the state librarian and drawn upon the warrant of the auditor general on any funds not otherwise appropriated. [Act No 106, Public Acts 1937]

Sec 15 1565(7) **Annual report; financial requirements estimate.** Sec. 7 The board shall file an annual report with the governor of the state of Michigan covering the operations of the state library and the extension of library service throughout the state and containing such other information and recommendations as it may deem advisable or the governor shall request and shall from time to time and at least biennially prepare and file with the budget director or other proper officer of the state of Michigan an estimate of its financial requirements, together with such supporting information as may be necessary or advisable

Sec 15 1565(8) **Transfer of powers and duties of state board of library commissioners and state librarian** Sec 8 Any and all powers and duties vested by any law of this state in the state board of library commissioners and the state librarian except as conferred on the state librarian by the board, are hereby transferred to and vested in the state board for libraries

When reference is made in any law of this state to the state board of library commissioners or the state librarian, such reference shall be deemed to be intended to be made to the state board for libraries created by section one (1) of this act

B. STATE AID

(Michigan Stats Anno, v 11, 1941 Suppl p 119-123, s 15 1791 [2]—15 1791 [12])

Sec 15 1791(2). **Definitions.** The term "public library" as used in this act shall be construed to mean and include any and all libraries maintained in whole or in part by any county, township, school district, city, village or other municipality, or by any two or more of any such governmental units or local communities. Provided, That such term shall not include special libraries such as law, medical or other professional libraries or school li-

braries which are maintained primarily for school purposes. "Population" as herein used shall be deemed to mean the population according to the latest federal census unless otherwise stated: *Provided*, That where the federal census statistics cannot be so analyzed as to supply the population for any district served by a public library, such as a school district, then the latest census of children of school age in that district multiplied by four (4) shall be assumed to be the population of the district

Sec. 15 1791(3). **Library equalization fund.** Sec. 3 From any amount appropriated by the state for aid to public libraries an amount equal to 25 per cent shall be placed in the fund hereby established, to be known as the "library equalization fund," such fund to be allocated to and used, as hereinafter provided, to aid in establishing public libraries and in building up public libraries to meet the standards established by the state board for libraries [As am by Pub. Acts 1941, No. 344]

Sec. 15 1791(4). **Same; apportionment; unused portion to be used in furthering extension service.** Sec. 3a The money in the library equalization fund shall be apportioned as follows:

- (a) Any county or region found by the state board for libraries to have 5,000 or more persons without public library service shall, for the purposes of organization and operation, be eligible for a grant of not less than \$3,000 00 nor more than \$7,000 00: *Provided*, That such county or region make available for such library from tax sources not less than one-tenth (1/10) of a mill per annum of the assessed valuation of such new area to be served

Such grants for establishment purposes shall take priority over grants to existing libraries, as provided in subsection (b) of this section. *Provided*, That in no year more than 40 per cent of the said library equalization fund shall be used for the establishment of new county or regional libraries

All applications for grants in aid for the establishment of a new public library under the terms of this section shall be filed with the state board for libraries on or before the fifteenth (15th) day of November of the fiscal year in which such grants are to be made

- (b) Such part of the library equalization fund as is not used for the establishment of county or regional libraries shall be distributed to the libraries existing on the first (1st) day of the state fiscal year on an equal per capita basis provided the average per capita assessed valuation for the county, township, school district, city, village or other municipality or any 2 or more such governmental units supporting such libraries is less than two-thirds (2/3) of the average per capita assessed valuation for the state: *Provided further*, That such apportionment shall not in any 1 year exceed 40 cents per capita for the population supporting such library
- (c) If there shall remain any unused portion of said library equaliza-

tion fund said portion shall be transferred to the state library fund for use in furthering its state extension services. [*Ibid.*]

Sec. 15.1791(5). **Administration expenses of state library board; unused portion of amount available to be used in furthering extension service.** Sec. 4. From any amount appropriated by the state for aid to public libraries an amount equal to 2 per cent of the said amount shall be available for the purpose of carrying out the provisions of this act by the state board for libraries, and the state board for libraries is hereby authorized to incur such expenses and employ such assistants as may be necessary to carry out the provisions of this act, within said amount. The state board for libraries and such assistants shall be entitled to necessary and actual expenses incurred in the discharge of their official duties. All compensation and expenses shall be paid as provided in the accounting laws of this state. If there shall remain any unused portion of said amount available to the state board for libraries, said portion shall be transferred to the state library for use in furthering its state extension services. [*Ibid.*]

Sec. 15.1791(6). **General Library Fund.** Sec. 5. The remainder of said appropriation shall be placed in the fund hereby established to be known as the "general library fund," to be apportioned as hereinafter set forth.

Sec. 15.1791(7). **Same; Apportionment.** Sec. 6. The money in the general library fund shall be apportioned among public libraries of the state qualifying under the terms of this act. Such apportionment shall be so made that all public libraries qualifying will receive an amount based on an equal per capita rate for the population which maintains, in whole or in part, such public libraries: *Provided*, That no library shall receive from this fund more than the amount received by it from local tax sources during its last fiscal year, but any reductions in an individual library grant due to this provision shall not affect the established general per capita rate, as it applies to other libraries: *And provided further*, That any unused portions of this fund shall be transferred to the state library for use in furthering its state extension services: *And provided further*, That for purposes of determining the amount of benefits to be distributed under the provisions of this section, the population of any county, township, school district, city, village or other municipality, or any 2 or more of such governmental units, which maintains a public library shall be deducted from the population which maintains a public library in a governmental unit encompassing, in whole or in part, such county, township, school district, city, village or other municipality, or any 2 or more of such governmental units. The population figures to be used for the above purposes shall be the figures shown in the latest federal census. [As am. by Pub. Act 1941 No. 344.]

Sec. 15.1791(7a) **Conformance to personnel certification requirements as condition of receiving apportionment; certain persons not disqualified.** Sec. 6a. Any public library, in order to receive an appointment of funds appropriated by the state for aid to public libraries, must conform to such cer-

tification requirements for personnel as are or may be established by the state board for libraries: *Provided, however,* That no certification requirements that are or may be established under the terms of this act shall, at any time disqualify any person for the position held at the time of enactment of this act. *Provided further,* That any person who may be on leave of absence or for any reason may be temporarily absent from his (or her) position at the time of enactment of this act shall, for purposes of certification, be deemed to be on active service and shall not be disqualified for the position held immediately prior to such temporary absence [*Ibid*]

Sec. 15 1791(8). **Public libraries qualified to share in benefits; requirement.** Sec. 7. Any public library in the state shall qualify for benefits from the general library fund, provided:

- (a) That a public library now in existence or which may be hereafter established, must in its fiscal year receive from any county, township, school district, city, village or other municipality, or any 2 or more of such governmental units, an amount of money equal to or greater than the average amount of money received per year by said public library from any county, township, school district, city, village or other municipality, or any 2 or more of such governmental units, during said library's 3 fiscal years immediately preceding July 1, 1941. *Provided,* That where housing and maintenance are furnished an equitable allowance for said housing and maintenance may be considered a part of said amount.
- (b) That subsequent to July 1, 1948, any public library whose total income from county, township, school district, city, village or other municipality, or any 2 or more of such governmental units, plus any apportionment that may be received from an appropriation by the state for aid to public libraries, is less than \$6,000.00 per annum may participate in the apportionment of the general library fund only by uniting with another library, or by becoming a part of an approved county or regional library, as provided in Act No. 250 of the Public Acts of 1931 and in Act No. 138 of the Public Acts of 1917, as amended by Act No. 249 of the Public Acts of 1931, and Act No. 113 of the Public Acts of 1937, and provided that such united library or libraries have a total annual income of not less than \$6,000 00 from state, county, township, school district, city, village or other municipality, or any 2 or more of such governmental units [*Ibid*]
- (c) That following the said three year period provided for by subsection (a) of this section, any public library whose total income from county, township, school district, city, village or other municipality, or any two or more of such governmental units, plus any apportionment that may be received under the provisions of this act, is less than six thousand dollars per annum may participate

in the apportionment of the general library fund only by uniting with another library which shall be designated by the state librarian, or by becoming a part of an approved county or regional library, as provided in act number two hundred fifty of the public acts of nineteen hundred thirty-one and in act number one hundred thirty-eight of the public acts of nineteen hundred seventeen, as amended by act number two hundred forty-nine of the public acts of nineteen hundred thirty-one, and provided that such united library or libraries have an annual income from county, township, school district, city, village or other municipality, or any two or more of such governmental units, plus any apportionment that may be received under the provisions of this act, of not less than six thousand dollars per annum

- (d) That any public library to receive an apportionment of this fund must conform to such certification requirements for personnel as are or may be established by the state librarian. Provided, however, That no certification requirements that are or may be established under the terms of this act shall at any time disqualify any person for the position held at the time of enactment of this act

Provided further, That any person who may be on leave of absence or for any reason may be temporarily absent from his (or her) position at the time of enactment of this act shall, for purposes of certification, be deemed to be in active service and shall not be disqualified for the position held immediately prior to such temporary absence

Sec 15 1791(9) **Statements; disbursements, vouchers, warrants.** Sec 8 The state board for libraries shall prepare or have prepared a statement of the amounts to be distributed in accordance with the provisions of this act. Vouchers for the disbursement from the general library fund of the appropriations made by the state for aid to public libraries shall be signed by the state board for libraries, or its authorized agent, and turned over to the auditor general, who shall thereupon draw his warrant on the state treasurer in favor of the proper fiscal agent of the governing body of each public library qualifying under this act for the amount payable to such public library, as appears in the vouchers of the state board for libraries.

Sec. 15.1791(10). **Use of funds restrictions.** Sec. 9. Any and all benefits provided under the provisions of this act and paid to any public library may be used for any expenditure, except the purchase of sites or buildings, the erection of buildings, or additions to buildings, the remodeling of buildings, and the payment of principal or interest charges on any indebtedness [*Ibid.*]

Sec 15 1791(11) **Fiscal year.** Sec. 10. For the purposes of this act.

the fiscal year of each public library shall be as determined by its governing board. [*Ibid.*]

Sec. 15.1791(12). **Waiver of benefits.** Sec 10a. The board of trustees of any public library may waive any or all allocations of funds provided under the terms of this act [*Ibid.*]

C. STATE HISTORICAL COMMISSION

(1) GENERAL PROVISIONS

(Michigan Stats Anno, v 11, 1937, p 560, 561, s 15 1805, 15 1807)

Sec 15 1805. **Historical records and papers; collection, preservation; local library as depository; certified copies as evidence.** Sec 5 The said commission shall have power, and it is hereby made the duty of all public officials to assist in the performance of this power, to collect from the public offices in the state, including state, county, city, village and township offices, such records, files, documents, books and papers as are not less than 30 years old, and are not in current use, and are, in the opinion of the commission, valuable only for historical purposes, and it is hereby made the legal custodian of such records, files, documents, books and papers when collected and transferred to its possession. The commission shall provide for their preservation, classification, arranging and indexing, so that they may be made available for the use of the public. Provided, That in counties where there is a public library having a fire proof building and suitable arrangements for carefully keeping such publications, records, files, documents, etc., so that in the opinion of said commission they can be safely stored, the same or any part thereof may be left in the possession of such public library. A list thereof, however, shall be furnished the commission and shall be kept on record in its office. A copy of the finding of the commission that such depository is a safe and a proper one in its opinion shall be made a part of the official records of said commission. Copies of all such papers, documents, files and records, when made and certified to by the secretary or archivist of said commission, shall be admitted in evidence in all courts, with the same effect as if certified to by the original custodian thereof. [C L '29, s 8118]

Sec. 15 1807. **Custodian of publications of historical commission, museum; distribution, exchange and/or sale of publications.** Sec 7 The secretary of the commission shall be the custodian of the publications of the commission, and of the museum, and shall distribute and/or exchange such publications with domestic and foreign states, governments and institutions under such rules and regulations as shall be established by the commission. He shall furnish one copy of each volume published to each school library and educational institution, public library and grange library in the state of Michigan, when authoritatively and officially requested so to do by the officers thereof. He shall furnish to each member of the legislature during

his term of office one copy of each volume, bulletin and journal published during such term. He may furnish to each member of the state historical society one copy of each volume, bulletin and journal published during the term of his membership in the society, in recognition of aid received from the society in behalf of the historical work of the commission. The remainder of the said copies of said volumes and publications shall be sold by said secretary at a price of not less than one dollar for each volume, and at such price for each bulletin and journal as may be fixed by the commission. The money arising from such sales and from certified copies of documents shall be placed in the state treasury to the credit of the general fund. [C.L. '29, s 8120]

(2) LAND RECORDS

(Michigan Stats Anno, v 11, 1937, p 563, s 15.1821, 15 1831.)

D. LEGISLATIVE REFERENCE LIBRARY

(Act. No 383, Public Acts of 1941.)

Sec. 1. There is hereby created in connection with the legislature a bureau to be known as the legislative service bureau which shall provide for the legislature and for the members thereof and for the several offices and departments in the state government the services hereinafter set forth.

Sec. 2 The bureau hereby created shall be under the authority of the legislature. It shall be subject to the immediate supervision and direction of an executive board and an advisory board with powers hereinafter defined. The executive board shall consist of the chairman of the judiciary committee of the senate, the chairman of the committee on senate business of the senate, the chairman of the judiciary committee of the house of representatives, the chairman of the committee on ways and means of the house of representatives, the secretary of the senate and the clerk of the house of representatives and the director of the bureau. The advisory board shall consist of the members of the executive board and also the president and secretary of the judicial council of Michigan and the dean of the law school of the university of Michigan. Between sessions of the legislature when not engaged in duties pertaining strictly to their respective offices they shall assist the director in carrying out the purposes of this act, but without any extra compensation for such services. The boards shall elect their own chairmen. The boards shall meet from time to time as may be necessary. The members of the boards shall receive no compensation but shall be reimbursed for actual and necessary expenses while in attendance at such meetings.

The director shall be appointed by the advisory board. The director shall devote his whole time and attention to the office and shall be qualified by experience, knowledge and ability to conduct the work of the bureau. He shall be well versed in legislative procedure and parliamentary practice. He

shall have access to the law library and the publications therein of the various state governments and of the United States government, which may be generally classed as legislative documents. He shall have access to the state library and the publications therein which may be useful and needed to carry out the work and purposes of the bureau.

The executive board shall have charge of the employment of such assistants as may be necessary, including persons qualified to do bill drafting and to do reference and revision work in connection with legislation. The executive board shall fix the compensation of such assistants, which compensation may be upon a per diem or such other basis as may be deemed by the board suitable. The executive board shall also have charge of the routine matters of the management of the bureau and may incur such expenses as may be necessary for carrying out the provisions of this act, including expenses incurred in the acquisition of furniture, equipment, printing, binding, supplies, as well as books, periodicals, documents and other materials needed in connection with the services to be performed. Salaries and other expenses shall be paid from money appropriated by the legislature from time to time for the use of the bureau. The executive board shall be responsible for the preparation of the budget of the bureau.

The advisory board shall be responsible for the general programs and policies of the bureau and for the preparation and promulgation of rules and regulations concerning the services to be rendered.

Sec. 3 All records, documents, files, indices, furniture and equipment of the legislative reference and information department heretofore maintained shall be delivered to the executive board for the use of the bureau created pursuant to the provisions of this act

Sec. 4. The bureau shall perform the following services:

(1) It shall maintain a legislative reference library consisting of public documents, reports, memoranda, books, treatises and legislative materials of this and of other states and countries which may be of use in connection with the formulation of bills pending or likely to be pending before the legislature. The board may also collect, summarize and make available information of a pertinent nature relating to legislation of other states, of the federal government, and of foreign countries.

(2) It shall, at the request of the members of the legislature, or the committees thereof, draft bills or amendments to bills, for introduction into the legislature. In connection with such drafting the bureau shall act in a technical capacity only, and it shall be entitled to request of the members or committees of the legislature that all questions of policy arising in connection with the bills so drafted shall be determined by members or committees requesting such service. It shall, at the request of the members of the legislature, or the committees thereof, examine, check and compare pending bills or resolutions with other pending bills and resolutions and with existing laws, resolutions, and rules and regulations having the force and effect

of laws, to avoid so far as possible contrary or conflicting provisions. The director and his assistants shall neither oppose nor urge legislation, but shall upon request aid and assist the members of the legislature, the governor and the heads of departments, by advising as to bills and resolutions, and by drafting the same into proper form, and by furnishing to them the fullest information upon all matters within the scope of the bureau relating to their public duties. No officer or employe of the bureau shall reveal to any person outside of the bureau the contents or nature of any matter not yet published, without the consent of the person bringing such matters before the bureau.

(3) It shall cause to be formulated and prepared a definite plan for the order, classification, arrangement, printing and binding of the statutes and session laws. Between and during sessions of the legislature it shall prepare and present such bills as may be thought desirable providing for codification of the statutes or any portion thereof or clarification thereof or elimination of obsolete materials therein.

(4) It shall, to the extent facilities are available, examine into the common law and the statutes of the state and the current judicial decisions for the purpose of discovering defects in the law and recommending needed changes therein. For the furtherance of this purpose the bureau shall receive and consider proposed changes in the law as recommended by the commissioners for the promotion of uniformity in legislation, the American law institute and other learned bodies.

The bureau shall recommend from time to time such changes in the law as it deems necessary to modify or eliminate antiquated or inequitable rules of law and to bring the laws of this state, civil and criminal, into harmony with modern conditions.

Sec 5. The bureau shall be kept open from 9 ante meridian to 4 post meridian, during the entire year, Sunday and legal holidays excepted, and when the legislature is in session, at such hours, day and night, as are most convenient to its members.

Sec 6. All compensation and expenses hereunder shall be paid one-half, as near as may be, by the senate, and one-half as near as may be, by the house of representatives.

E. REGIONAL LIBRARIES

(Michigan Stats Anno, v 11, 1937, p 556-558, s 15 1781-15 1789)

Sec 15 1781 **Regional libraries; plan for establishment and location.**

Sec. 1. The State Librarian is hereby authorized, and it shall be his duty, to develop a plan for the establishment and location of regional libraries throughout the State based on a detailed survey of the needs of the various localities of the State. A region shall include two (2) or more counties [Act 250, 1931, p 434]

Sec 15.1782. **Same; action by boards of supervisors, alteration of plan.**

Sec 2 On completion of the survey of any proposed region, the State Librarian shall refer the proposal to the Boards of Supervisors of all counties included in such proposed region. The Boards of Supervisors shall act upon such proposal by resolution, and the votes of a majority of each board of Supervisors of the counties included in the proposed region shall be necessary for the adoption of such proposal. In case of the rejection of such proposal by the Boards of Supervisors of any of the counties included in such proposed region, the State Librarian is hereby authorized to alter his plan in accordance with such action in order to provide for a region in such section of the State. The vote of a majority of each board of Supervisors in the counties in such altered region shall be necessary for the adoption of such proposal [*Ibid.*]

Sec. 15 1783. Board of Trustees; number, appointment, term, vacancies, compensation and expenses. **Sec 3** Upon the adoption of the region proposed by the State Librarian, each Board of Supervisors shall name one (1) person, who may be a member of the Board of Supervisors or any other resident of the county, to serve as a member of a Board of Trustees for the regional library. If the number of Trustees so chosen shall result in an even number, an additional member shall be named by the State Librarian by and with the approval of the other members of the Board of Trustees of the regional library. Members of the Board of Trustees shall hold office for a term of three (3) years. Vacancies in the Board of Trustees shall be filled in like manner as the original appointments. Members of the Board of Trustees shall receive no compensation except their actual and necessary expenses [*Ibid*]

Sec 15 1784 Regional librarian; nomination, qualifications. **Sec 4.** Upon the adoption of the region proposed by the State Librarian, and the creation of a Board of Trustees therefore, the State Librarian shall submit to said Board of Trustees the names of three (3) or more suitable candidates for the position of regional librarian. Such candidates shall hold the degree of Bachelor of Arts or its equivalent and a degree or certificate from an approved school of Library Science or their equivalents, and shall have had not less than three (3) years of practical experience in library work [*Ibid*]

Sec 15 1785 Board of Trustees; powers. **Sec 5** The Board of Trustees of each regional library so established shall have the following powers:

- (a) To establish, maintain and operate a public library for the region.
- (b) To appoint a librarian from the list submitted by the State Librarian, and the necessary assistants, and fix their compensation. Said Board shall also have the power to remove said Librarian and other assistants
- (c) To purchase books, periodicals, equipment and supplies
- (d) To purchase sites and erect buildings, and/or to lease suitable quarters, and to have supervision and control of such property.
- (e) To borrow books from and to lend books to other libraries

- (f) To enter into contracts to receive service from or give service to libraries within or without the region and to give service to municipalities without the region which have no libraries.
- (g) To have exclusive control of the expenditure of all moneys collected to the credit of the library fund.
- (h) To make such by-laws, rules and regulations not inconsistent with this Act as may be expedient for their own government and that of the library. [*Ibid.*]

Sec. 15.1786. Appropriations, limit, basis, disbursement. Sec. 6. Sums necessary for the establishment and operation of regional libraries shall be appropriated by the Boards of Supervisors of the counties included in such region from the general fund of the respective counties. This appropriation shall not be less than twenty-five (25) cents and not more than seventy-five (75) cents per capita based on the population as shown by the last federal census, and shall be based on a budget and per capita rate to be proposed by the Board of Trustees of the regional library to the Boards of Supervisors of the counties in the region. Upon approval of such budget and per capita rate by a majority of each of said Boards of Supervisors, the proposed budget and per capita rate shall be effective in all counties in the region. The county in which the regional library headquarters shall be located shall pay a rate ten (10) per cent higher than the other counties in the region. All appropriations shall be paid to the Board of Trustees and disbursed under its direction. [*Ibid.*]

Sec 15.1787. Cities over 5000 having libraries, exemption. Sec. 7. Cities of a population of five thousand (5000) or more, maintaining a public library, may be exempted from the provisions of this Act on the filing with the State Librarian of a request by the city legislative body based on action taken by them according to law. Provided, where any such city is included in any regional library proposal it shall be the duty of the State Librarian to notify each city so included in writing of the provisions of this section fifteen (15) days before the reference of any regional library proposal under the provisions of Section Two (2). In the case of the exemption of any such city or cities, the population of such city or cities as determined by the last federal census shall be deducted from the respective county per capita rate provided for in Section Six (6) of this Act. [*Ibid.*]

Sec 15.1788. Municipal libraries, transfer to regional libraries. Sec. 8. After the establishment of a regional library as provided for in this Act, the township board, the legislative body of any city or village, the Board of Education of any school district or the Board of Supervisors of any municipality in the region, already maintaining a public, school or county library, may notify the Board of Trustees of the regional library that such township, city, village, school district or county library may be transferred to, leased to, or used by said Board of Trustees of the regional library under such terms as may mutually be agreed upon between the said Board of

Trustees and the respective township boards, city or village legislative bodies, Boards of Education or Boards of Supervisors. [*Ibid.*]

Sec. 15.1789. Rules and regulations by State Librarian. Sec. 9. The State Librarian is hereby authorized to establish such rules and regulations not inconsistent with the provisions of this Act as he shall deem necessary to carry out the provisions of this Act. [*Ibid.*]

F. COUNTY LIBRARIES

(Michigan Stats Anno, v.11, 1937, p 548, 549, s 15 1701, 15 1704, 15 1705;
Ibid 1941 Suppl. p 118, s.15 1702, 15 1703)

Sec. 15.1701. County library, establishment; contract for use of existing library; tax. Sec 1. The board of supervisors of any county shall have the power to establish a public library free for the use of the inhabitants of such county or they may contract for the use, for such purposes, of a public library already established within the county, with the body, having control of such library, to furnish library service to the people of the county under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such service under such contract or the amount which the board may appropriate for the purpose of establishing and maintaining a public library shall be a charge upon the county and the board may annually levy a tax of not more than one-half ($\frac{1}{2}$) mill on the dollar of the taxable property of the county, to be levied and collected in like manner as other taxes in said county and paid to the county treasurer of said county and to be known as the library fund [As amended by Pub. Acts 1931, No. 249.]

Sec. 15 1702. County library board, members, term; corporate body, powers. Sec 2 For the purpose of administering a county library fund in case the county library is established, there shall be a library board consisting of five (5) members,—the county commissioner of schools and four (4) other members to be appointed by the board of supervisors, the commissioner to hold ex officio during his term of office, the other members to be appointed for terms of four (4) years each, except that the first (1st) members shall be appointed for one (1), two (2), three (3) and four (4) years, respectively.

Said board shall be a body corporate and shall be authorized to contract for the leasing, construction or maintenance of buildings or quarters, including the acquisition of sites, to house the county library service, and to do any other thing necessary for the conducting of the county library service, the cost thereof to be a charge against the county library fund. [As amended by Act No. 113, Public Acts 1937.]

Sec. 15 1703. Contract for use of existing library; advisory board, members, term, duties; corporate body, powers. Sec. 3. In case a contract

shall be made with an existing library, the county library fund shall be administered by the board or body having charge and control of said existing library and there shall be an advisory board, consisting of three (3) members, the county superintendent of schools ex officio and two (2) additional members to be appointed by the board of supervisors whose terms of office shall be two (2) years and until their successors are appointed. The duty of this advisory board shall be to advise and to consult with the board controlling said library with regard to selection of books, location of branch libraries and other subjects relating to the proper management of the county library and its fund

The members of the board or body having charge and control of the said existing library and the members of the said advisory board, shall constitute the county library board, which shall be a body corporate, and as such shall have the power to contract for the leasing, construction or maintenance of buildings or quarters, including the acquisition of sites, which purchase and construction shall be approved by the county board of auditors, and in counties having no board of auditors, then by the board of supervisors, to house the county library service, and to do any other thing necessary for the conducting of the county library service, the cost thereof to be a charge against the county library fund. Provided, however, that the operation of the county library service shall be vested in the board or body having charge and control of the said existing library [As amended by Act No 113, Public Acts 1937]

Sec 15.1704 County library fund; disbursements. Sec 4 Said fund shall be paid by the county treasurer upon the order or warrants of said library board in case of the establishing of a county library, in event of contracting with an existing library, it shall be paid upon orders issued by the board or body controlling such library through its president or chairman and secretary [C L '29, s.8087]

Sec 15.1705. Contract for service to municipality; tax; effect of establishment of municipal library. Sec. 5. Any county possessing a county library or any board of trustees of a regional library may enter into a contract with one or more counties, townships, villages, cities and/or other municipalities to secure to the residents of such municipality such library service as may be agreed upon, and the money received for the furnishing of such service shall be deposited to the credit of the library fund. Any municipality contracting for such library service shall have the power to levy a library tax in the same manner and amount as authorized in section one hereof for the purpose of paying therefor. Any municipality contracting for such library service may at any time establish a public library free for the use of its inhabitants, whereupon its contract for said service may be continued or terminated on such terms as may be agreed upon between the parties thereto [Added by Act No. 249, Public Acts 1931.]

G. MUNICIPAL LIBRARIES**(1) GENERAL PROVISIONS**

(Michigan Stats. Anno, v 4, 1936, p 106, 380, s.5 1740, 5.2078, *Ibid.* v 11, 1937, p 547, s 15 1691, 15 1692)

Sec. 5 1740 General powers. Sec 1 Every city incorporated under the provisions of this act, shall, in addition to such other powers as are here-in conferred, have the general powers and authority in this chapter mentioned, and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely.

* * * * *

Thirty-eighth To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good * * * [C L '29, s.1945]

Sec 5 2078 Permissible charter provisions. Sec 4-c Each city may in its charter provide:

Public buildings, grounds, acquisition. (1) For the acquisition by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, of the following improvements including the necessary lands therefor, viz . * * * libraries * * *, and for the costs and expenses thereof * * * [C L '29, s 2235]

Sec 15 1691. Boards of education; library annual expense estimate. Sec 1 Boards of education in cities where free public libraries are under control of such boards of education by reason of existing charters or otherwise, from and after the passage of this act are hereby authorized and empowered to include in their annual estimate a sum or sums sufficient to properly care for and defray the expense of maintenance and to purchase new books required for such libraries [C L '29, s 8081]

Sec 15 1692. Same; issuance of bonds, maturity, approval by electors. Sec 2 Boards of education in cities having the control of free public libraries by reason of existing charters or otherwise are hereby authorized and empowered to raise money, either by including the amount in their annual estimates, or to borrow same on the faith and credit of said school district, and to issue certificates or bonds to secure the payment of the sums borrowed, sufficient to purchase property for a site and to provide the money necessary to erect, equip and maintain buildings for a free public library and other educational uses: Provided, That when any bond issue shall be provided for under the terms of this act such bonds shall not be issued for a period of more than ten (10) years No bonds provided for in this act shall be issued until issuance of same shall have been submitted to the electors of the district affected and approved by a majority of the electors voting thereon. [C.L '29, s.8082.]

(2) LIBRARY COMMISSIONS IN CITIES OF MORE THAN 250,000

(Michigan Stats. Anno., v.11, 1937, p.554, s 15.1761-15 1764.)

Sec. 15.1761. Library commission; jurisdiction. Sec. 1. The territory over which the library commission in any city having a population of more than two hundred fifty thousand (250,000) shall conduct the activities to it by law confided, and to which shall apply charges and obligations heretofore or hereafter imposed for the purpose of any said commission, shall be co-extensive with the boundaries of any said city and shall automatically change by and with any change in said boundaries [C L '29, s.8105.]

Sec 15.1762 Same; annual budget. Sec 2 The annual budget of any said commission shall be prepared in manner and time provided by the charter of any said city concerning the budget thereof and shall be submitted to and passed upon by the officers and boards of any said city as are the items in the budget thereof [C.L '29, s.8106]

Sec. 15 1763 Same; fiscal year. Sec 3 The fiscal year of any said commission shall be identical with that of any said city [C.L '29, s 8107.]

Sec. 15.1764 Same; relations under local act. Sec. 4 The relation of officers or agencies of any said city to the affairs of any said commission growing out of any special or local act of the state legislature shall continue in the officers or agencies of any said city on revision or amendment of said special or local act by the electors of any said city [C L '29, s 8108]

(3) RETIREMENT ALLOWANCE IN CITIES OF 250,000 OR MORE

(Michigan Stats Anno , v 11, 1937, p 554, 556, s 15 1771-15 1776.)

Sec. 15.1771. Employee's retirement system; establishment. Sec. 1. The legislative body of any incorporated city of two hundred fifty thousand (250,000) or more (hereinafter referred to for the purposes of this act as the local legislative body) where free public libraries have been or may hereafter be established is hereby authorized, upon the application and recommendation of the local library board or commission or body duly authorized by law to maintain free public libraries in such city (hereinafter referred to for the purposes of this act as the library board), to establish a system of retiring allowances for the employees of such libraries which system shall be based upon the principle that there shall be accumulated, year by year, a reserve fund sufficient to provide the agreed annuity at the time of retirement. Upon the establishment of such system, the local legislative body shall raise by taxation each year a sum which will provide an adequate reserve fund. [C.L. '29, s.8109.]

Sec. 15.1772 Same; submission of plan to legislative body. Sec 2. It shall be the duty of said library board when it desires to establish a system of retiring allowances, to apply to the local legislative body and to submit to said local legislative body for its approval and adoption a detailed plan for such system which shall be based upon the following provisions and conditions:

- (a) **Classes of employees.** It shall enumerate the classes of employees to be included in said system ;
- (b) **Retiring allowances.** It shall fix the amount of the annual retiring allowance, the number of years of service necessary to entitle an employee to a retiring allowance, the age at which an employee may be retired, the nature and extent of the physical or mental disability which shall entitle an employee to retire before reaching the age of retirement and the conditions upon which the age of retirement may be anticipated ;
- (c) **Retirement fund trustees.** It shall provide for a body to be known as the retiring fund trustees which shall consist of five members. Two (2) members shall be elected by the staff, two (2) members shall be appointed by said local legislative body and the terms of office of said members shall be four (4) years except that when the system is first put into effect, the terms of office shall be so fixed that but one member's term shall expire each year. The fifth (5th) member shall be ex officio, the presiding officer of the said library board. Said trustees shall have charge of said retiring allowance fund and shall invest the same only in such securities as are legal for savings banks. Said trustees shall adopt such rules and by-laws as may be necessary, and not inconsistent with the constitution and laws of this state and the provisions of this act ;
- (d) **Certificate of actuary.** There shall be attached to such system as may be recommended the certificate of a recognized and competent actuary stating that the system is actuarially sound, and the system shall provide for annual reports and valuations by such actuary to determine whether the fund is on a sound financial and actuarial basis [C L. '29, s 8110]

Sec. 15 1773. **Same; approval of plan by legislative body; commencement.** Sec. 3 Upon the submission by said library board of a plan for a system of retiring allowances, the local legislative body shall take the same under consideration and shall then, in conference with said library board agree upon the details of said plan and if said plan so agreed upon differs from the one submitted it shall, before adoption, be submitted to an actuary for report upon its financial and actuarial soundness and, if certified to be sound, may then be adopted. The plan shall then be put into operation at the beginning of next fiscal year, unless an earlier date is agreed upon. [C.L. '29, s.8111.]

Sec 15 1774. **Yearly assessment.** Sec. 4 When a system for retiring allowances has been agreed upon by the local legislative body and the library board and formally adopted by the former, then it shall be the duty of said local legislative body to raise by taxation each year, the sum found necessary to produce the retiring allowance fund required by the system adopted. [C.L. '29, s 8112.]

Sec. 15 1775. **Reserve fund and annuities to be tax exempt.** Sec. 5. When a system of retiring allowances is adopted under the provisions of this act, the reserve fund thereby provided shall be free from all state, county, township, city, village and school district taxes and the annuities payable to the members of the staff shall likewise be free from all such taxes. [C.L. '29, s.8113.]

Sec 15 1776 **Retiring allowance plan for employes of certain public libraries.** Sec. 6. In lieu, however, of formulating any plan under the foregoing sections of this act the library board and the local legislative body may, by concurrent resolution, adopt and put into effect for the employes of the library any plan which may have been, or may hereafter be, adopted for the employes of the city [Added by Pub Acts 1935, No 154]

H. LIBRARIES IN TOWNSHIPS, INCORPORATED VILLAGES AND CITIES UNDER 10,000

(1) GENERAL PROVISIONS

(Michigan Stats Anno, v11, 1937, p 537-545, s 15 1661-15 1677)

Sec 15 1661. **City library; maintenance; library fund.** Sec 1 The city council of each incorporated city shall have power to establish and maintain a public library and reading room, for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one (1) mill on the dollar annually on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "library fund" [C L 29, s 8059]

Sec 15 1662 **Board of directors of city library; number, appointment, qualifications.** Sec. 2 When any city council shall have decided to establish and maintain a public library and reading room under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of five (5) directors for the same, chosen from the citizens at large, with reference to their fitness for such office, and not more than one (1) member of the city council shall be at any one time a member of said board. [C L '29, s.8060] [As am by Act No. 248, P A 1931]

Sec 15 1663 **Same; vacancy, term, removal.** Sec. 3. The offices of boards of directors heretofore appointed under this act, consisting of nine (9) members, are hereby declared vacant on July one (1), nineteen hundred thirty-two (1932), and a board of five (5) directors to succeed them or a board of directors of five (5) members for a library newly established hereunder shall be first appointed as follows One (1) director shall be appointed for a term of five (5) years, one (1) director shall be appointed for a term of four (4) years, one (1) director shall be appointed for a term of three (3) years, one (1) director shall be appointed for a term of two (2) years, one director shall be appointed for a term of one (1) year, and annually thereafter the mayor shall appoint one (1) member of such board of directors for a term of five (5) years. The mayor may, by and with the consent of

the city council, remove any director for misconduct or neglect of duty. [As am. by Act No. 248, P.A. 1931 CL. '29, s.8061.]

Sec. 15.1664 Same; vacancies; compensation. Sec. 4. Vacancies in the board of directors occasioned by removals, resignation or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such. [C.L. '29, s 8062.]

Sec. 15.1565. Same; officers; powers and duties; library fund, accounting rules. Sec 5. Said directors shall, immediately after appointment, meet and organize, by the election of one (1) of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and reading room, as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased or set apart for that purpose: Provided, That all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease, or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading room. [C.L. '29, s 8063]

Sec 15.1666. Free use of library; regulations. Sec. 6. Every library and reading room established under this act shall be forever free to the use of the inhabitants where located, always subject to such reasonable rules and regulations as the library board may adopt; and said board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules. [C L '29, s 8064]

Sec. 15.1667. Board of directors; annual report, contents. Sec 7. The said board of directors shall make, at the end of each and every year from and after the organization of such library, a report to the city council, stating the condition of their trust at the date of such report, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information, and sugges-

tions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit. [C.L. '29, s.8065.]

Sec. 15 1668. City Library; injury, ordinances. Sec. 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or other property thereof, or for willful injury to or failure to return any book belonging to such library. [C L '29, s 8066]

Sec. 15.1669. Same; donations. Sec. 9. Any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right to vest the title to [the] money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to such property, the said board shall be held and considered to be special trustees [C L. '29, s 8067]

Sec. 15 1670 Village or township library; petition for tax; referendum; estimate of cost of maintenance; assessment. Sec. 10. When 50 voters of any incorporated village or township shall present a petition to the clerk of the village or township, asking that a tax may be levied for the establishment of a free public library in such village or township, and shall specify in their petition the rate of taxation, not to exceed one (1) mill on the dollar, such clerk shall, in the next legal notice of the regular annual election in such village or township, give notice that at such election every voter may vote for a mill tax for a free public library, or against a mill tax for a free public library, specifying in such notice the rate of taxation mentioned in such petition; and if the majority of all the votes cast in such village or township shall be for the tax for a free public library, the tax specified in such notice shall be levied and collected in like manner with other general taxes of said village or township, and shall be known as the library fund, and when such free public library shall have been established and a board of directors elected and qualified, as hereinafter provided, it shall be the duty of such board of directors on or before the first Monday of September in each year, where it has been voted to establish a free public library by a township, and on or before the second Monday in April, where it has been voted to establish a free public library by an incorporated village, to prepare an estimate of the amount of money necessary for the support and maintenance of such library for the ensuing year, not exceeding one (1) mill on the dollar of the taxable property of the village or township, and report such estimate to the assessor of such village or the supervisors of such township for assessment and collection, the same as other village or township taxes, and the same shall be so assessed and collected; and the corporate authorities of any such villages or townships may exercise the same powers conferred upon the corporate authorities of cities under this act. [C.L.'29,s.8068.]

Sec. 15.1671. City library; referendum on tax for establishment, tax for maintenance. Sec. 10-a. When fifty (50) voters of any city containing a population of not over ten thousand (10,000) shall present a petition to the clerk of the city, asking that a tax may be levied for the establishment of a free public library in such city, and shall specify in their petition a rate of taxation not to exceed one (1) mill on the dollar, such clerk shall in the next legal notice of the regular annual election in such city, give notice that at such election every voter may vote upon such proposition, which notice shall specify the rate of taxation mentioned in said petition. The form of ballot shall be as follows:

"For a mill tax for a free public library, YES _____

"For a mill tax for a free public library, NO _____

If a majority of all the votes cast in such city upon such proposition shall be for the tax for a free public library, the tax specified in such notice shall be levied and collected in like manner with other general taxes of said city, and shall be placed in a fund to be known as the "Library Fund": and when such free public library shall have been established under this section, and a board of directors elected and qualified as hereafter provided in section eleven hereof, it shall be the duty of such board of directors on or before the first Monday in September in each year to prepare an estimate of the amount of money necessary for the support and maintenance of such library for the ensuing year, not exceeding one (1) mill on the dollar of the taxable property of such city, and report such estimate to the common council of said city, which sum so reported the council shall cause to be raised by tax upon the taxable property in the city in the same manner that other general taxes are raised in said city. [As amended by Act No. 248, Public Acts 1931] [C.L. '29, s.8069]

Sec. 15.1672 City, village or township library board; temporary appointment, election term, powers, vacancy. Sec. 11. As soon as may be after any city containing a population of not over ten thousand (10,000) or any village or township shall have voted to establish a free public library and any such city, township or village where there is now a free public library and no library board has been elected, the legislative body of such city and the township board of any township and the common council of any village is hereby authorized to appoint a temporary board of six (6) directors, to be known as the provisional library board of such city, township or village, and to hold office until the election, at the next annual city election, township meeting or village election, of a permanent library board of the city, township or village. Such permanent library board shall consist of six (6) directors, two (2) of whom shall be elected for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Annually thereafter there shall be elected two (2) directors, who shall hold office for three (3) years, and until their successors are elected and qualified. Such provisional and permanent library board shall have the same powers as are by this act

conferred upon the boards of directors of free public libraries in cities having a population of over ten thousand (10,000). The library board is hereby empowered to fill any vacancy occurring on such board of any city having a population of not over ten thousand (10,000), or of any village or of any township by appointment of a person to hold such office until the next annual election. [As amended by Act No. 248, Public Acts of 1931. C L. '29, s 8070.]

Sec. 15 1673. Application of act. Sec. 12. This act shall not apply to cities or villages containing a population of over ten thousand (10,000), or to any city or village maintaining a public library under any special act. [C L. '29, s.8071]

Sec. 15.1674 Joint municipal libraries; townships. Sec 13 The people of any township adjacent to or adjoining any other township, any village or city, which supports a free public and circulating library and reading room under the provisions of this act, may be united thereunto for the same purpose under the following conditions [C.L. '29, s.8072]

Sec. 15 1675. Same; contract for use of municipal library by township, vote, term; tax. Sec 14. Upon receipt of a petition signed by not less than ten (10) per cent of the electors in any township based on the highest vote cast at the last regular election for township officers of such township, addressed to the township board, requesting that a meeting be called of the electors in such township, to consider making a contract with any township, city or village supporting and maintaining a free public circulating library and reading room under this act, or under any special act, for the use of its privileges by the residents of such township, the township board shall call a meeting of the electors of such township by posting notices in at least five (5) public places within such township not less than ten (10) days previous to such meeting At the meeting so called the electors present shall determine whether the township shall enter into a contract for the use of any free public circulating library and reading room in any township, city or village, as the case may be, and a tax levied for the purpose of paying for such use, in case the electors shall decide to enter into such contract: Provided, That the tax so levied shall in no case exceed one (1) mill upon the dollar of the assessed valuation of such township If a majority of these present and voting shall be in favor of the township contracting for the use of a free public circulating library and reading room maintained in any township, city or village, the township board shall have power to enter into such contract and shall levy, and collect the tax herein provided for, which tax when collected shall be placed in a fund to be known as the "library fund" and said tax shall be paid over by the township treasurer to the treasurer of the township, city or village in which said library is located, on the first (1st) day of January, February and March of each year, to be disbursed subject to the provisions of section five (5) of this act The board of library commissioners of any township, city or village, supporting and maintaining

a free public circulating library and reading room under this act, or under any special act, are hereby authorized and empowered to enter into a contract with any township to permit the residents of such township the full use of such library, upon terms and conditions to be agreed upon between such board of library commissioners and such township board. Provided, That such contract shall be executed for a term of three (3) years and shall be automatically extended for an indefinite term thereafter and shall be terminable only on the giving of six (6) months' notice by either party thereto of the intent to terminate such contract [As amended by Act No 248, Public Acts 1931 C L '29, s 8073]

Sec. 15 1676. Same; right to user under contract. Sec 16 The people of said township uniting with another township, or with a village or city, shall, after they shall have paid their first taxes therefor, and thereafter while continuing so to do, have all rights in the use and benefits of said library that they would have had had they lived in the township where the same shall have been established, subject to uniform rules and regulations established by the board of library commissioners thereof [C L. '29, s 8074]

Sec 15 1677 Villages and cities. Sec 17 The people of villages may join with townships, or townships with villages, or either with cities, by complying with similar provisions, as aforesaid in this act, and as amended, for the purpose of maintaining, supporting and receiving the benefits from a free public circulating library [C L. '29, s 8075]

(2) BOND ISSUES

(Michigan Stats Anno v 11, 1937, p 549-551, s 15 1711-15 1715)

Sec. 15 1711 Issuance of library bonds by townships or villages; approval by electors. Sec 1 The township board of any organized township and the village council, or board of trustees, of any incorporated village in the state of Michigan are hereby authorized and empowered, upon an application signed by not less than twenty-five (25) qualified electors of such township or incorporated village being first filed with the said township board, village council, or board of trustees, as the case may be, to borrow a sum of money, not exceeding one (1) per cent of the assessed valuation of such township, or incorporated village, on the faith and credit of such township, or incorporated village, and to issue the bond, or bonds of such township, or incorporated village, therefor, the money so borrowed to be used for the purpose of establishing a free public library, for purchasing a site for the same or constructing buildings thereon. Provided, That a majority of the voters of such township, or incorporated village, voting thereon at a township meeting, a general election, or at a special election called by the township board, or at a general or special election called by the village council, or board of trustees, for that purpose, shall vote in favor thereof [C.L. '29, s.8088.]

Sec. 15 1712 Same; referendum notice. Sec. 2 The question of issuing

the bonds, provided for in section one (1) of this act, shall be submitted to the legal voters of such township, or incorporated village, by the township board, the village council or board of trustees, within thirty (30) days after the filing of the application mentioned in section one (1), giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices to be posted in five (5) public places in such township, or incorporated village, at least ten (10) days before the time fixed by said board for such election, and by publishing the same in at least one newspaper published in said township, or incorporated village, or if none be published in said township, or incorporated village, then in some newspaper published in the same county, which is circulated in such township or incorporated village, at least two (2) weeks before the time of such election. Such notice shall state the amount of money proposed to be raised by such bonding, and the purpose or purposes to which it shall be applied. [C.L. '29, s.8089.]

Sec. 15.1713. Same; form of ballot; conduct of election. Sec. 3. The vote upon such proposition shall be by printed ballot, and such ballots shall be in the following form:

"For the issuing of bonds to (Purpose) Yes []."

"For the issuing of bonds to (Purpose) No []"

The election shall be conducted and the votes canvassed in all respects, as in other township or village elections [C L. '29, s 8090]

.Sec. 15.1714. Same; terms, signature, negotiation; tax. Sec. 4 If at such election a majority of such qualified electors present thereat and voting upon said proposition shall vote in favor of such loan, such bonds shall be issued by the township board of the township or the village council or board of trustees of the village, as the case may be, in denominations not exceeding one thousand (\$1,000) dollars each, at a rate of interest not exceeding five per centum per annum, and for a period not exceeding twenty-five years, as the said township board, or the said common council, or board of trustees, by resolution, shall direct. Said bond, or bonds, issued by a township board, shall be signed by the members of the said township board and countersigned by the township treasurer, and when issued by a village council shall be signed by the president and clerk of said village and countersigned by the village treasurer Said bond, or bonds, shall be negotiated by and under the direction of said township board, or common council, or board of trustees of incorporated village, to raise in each year by tax upon the taxable property of such township, or incorporated village, such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due. [C.L. '29, s.8091]

Sec. 15.1715 Same; negotiation at less than par. Sec. 5. No bonds issued under and by virtue of this act shall be used or negotiated at less than their par value [C.L. '29, s.8092]

(3) CONSOLIDATION OF TOWNSHIP LIBRARIES

(Michigan Stats. Anno, v 11, 1937, p 551-552, s 15.1721-15 1728)

Sec. 15.1721. Consolidation of township libraries. Sec. 1. It shall hereafter be lawful for the township boards of adjoining townships in the same county, by joint action of the respective township boards of such townships, by proceeding as hereinafter provided, to consolidate the libraries in each township into one library, and to designate the site thereof [C.L. '29, s.8094.]

Sec 15 1722. Referendum; petition. Sec 2 When the township board of each township having such libraries shall be presented with a petition, signed by not less than twenty-five (25) per cent of the resident freeholders of each of the respective townships, each such township board shall forthwith adopt a resolution submitting the question of consolidation of the libraries of the two townships to the qualified electors of each township at any regular election or special election duly called for that purpose [C.L.'29, s.8095.]

Sec 15 1723. Same; form of ballot; conduct of election. Sec. 3. The election shall be by ballot in substantially the following form :

"Shall the township libraries ofand..... townships be consolidated?

"Yes []

"No []."

The election shall be conducted in every respect the same as other special or general elections are conducted, and the results canvassed and certified in like manner. [C.L '29, s.8096.]

Sec. 15 1724. Same; joint resolution of township boards canvassing returns. Sec. 4 If the proposition shall be carried by a majority of those voting at the election, in each township, and the respective election boards shall so certify, the respective township boards shall meet together in the township casting the largest vote at such election and shall pass a joint resolution, which shall be recorded in the minutes of the clerk of each board, canvassing the returns of the elections, and shall formally consolidate the township libraries of the two townships [C.L '29, s.8097]

Sec. 15 1725. Site, designation. Sec 5 Such resolution shall designate the site of the library, and if not able to agree by a majority vote of the board members present and voting, the county commissioner of schools shall choose a site properly located and most advantageous to the townships. [C.L '29, s.8098]

Sec. 15.1726. Maintenance. Sec 6 The expense of maintenance for the ensuing year shall be estimated, and the expense apportioned between the two townships in proportion to their respective assessed valuations for the preceding year, and such tax certified by the clerk of each board to its respective supervisor. [C.L. '29, s.8099.]

Sec. 15.1727. **Control.** Sec. 7. Said library when so consolidated shall be under the joint control of the township boards, and any matter upon which they cannot agree shall be decided by the county commissioner of schools. Not more than two (2) joint meetings per year shall be held. [C.L. '29, s 8100.]

Sec. 15.1728. **Free public library.** Sec. 8. After consolidation, the library may be formed into a free public library, with provisional board of directors in pursuance of the statute in such case made and provided, upon proper procedure for that purpose, jointly taken by the township boards of the townships consolidating [C L '29, s 8101]

(4) TOWNSHIP OR SCHOOL DISTRICT LIBRARIES

(Michigan Stats Anno, v 11, 1937, p 239, 357-360, s 15 452, 15 725-15 731)

Sec. 15 725. **Maintenance; legal actions, persons entitled to privileges.** Sec 1. A library may be maintained in each organized township or school district, which shall be the property of the township or school district and under the control of the township board of said township or the board of education of the school district All actions relating to such library for the recovery of any penalties lawfully established in relation thereto shall be brought in the name of the township or the board of education of said school district. If in the judgment of said township board the people of said township will be better served by disposing of said library to the several school districts of the township, said board shall have authority to take such action, or the said board may authorize the merging of the township library into a free public library in accordance with the statutes authorizing the establishment of such free public libraries, and after such merging the free public library so established shall receive all the books of the former township library, and the township library shall be considered abandoned Whenever any legal action is taken or becomes necessary concerning the township library the township clerk shall represent the township in all actions concerning said library, and whenever any legal action is taken or becomes necessary concerning the school district library, the president of the board of education shall represent the school district All persons who are residents of the township shall be entitled to the privileges of the township library, and all persons who are residents of the city school district shall be entitled to the privileges of the city or school library, subject in each case to such rules and regulations as may be lawfully established in relation thereto. [C L '29, s 7648.]

Sec 15 726 **Township library; control; township treasurer, duties.** Sec 2 The township board shall have charge of the township library and the township treasurer shall apply for and receive from the proper authorities all moneys appropriated for the township library and shall keep a separate account of such funds The township treasurer shall pay out such library moneys on the order of the township clerk, countersigned by the supervisor

The township board shall purchase books and procure the necessary appendages for the township library. [C L. '29, s 7649.]

Sec. 15.727. Same; care and preservation, rules. Sec 3. The township board shall be held accountable for the proper care and preservation of the township library and shall have power to provide for the safe-keeping of the same, to prescribe the time for taking and returning books, to assess and collect fines or penalties for the loss or injury of such books and to establish all other needful rules and regulations for the management of the library as said board shall deem proper, or the superintendent of public instruction may prescribe [C L. '29, s.7650]

Sec. 15.728 Same; location; librarian. Sec 4. The township board shall cause the township library to be kept at some central and suitable place in the township which it shall determine. Said board shall also within ten (10) days after the annual township meeting appoint a librarian for the term of one (1) year to have the care and superintendence of said library, and such librarian shall be responsible to the township board for the impartial enforcement of all rules and regulations lawfully established in relation to said library. [C L. '29, s 7651]

Sec 15.729. Same; tax for support. Sec 5 The qualified voters of each township shall have power at any annual township meeting to vote a tax for the support of libraries established in accordance with the provisions of his [this] act [C L. '29, s.7652.]

Sec 15.730 Same; annual report. Sec 6 The township clerk shall give in his annual report to the superintendent of public instruction such facts and statistics relative to the management of the township library and the library moneys thereof as the superintendent of public instruction may direct [C L. '29, s 7653]

Sec 15.731 Same; control by board of education. Sec. 7. When any township has already been organized as a township school district or shall hereafter be organized as a township school district, the control of the township library shall pass from the township board to the board of education of such township and all rights, powers, and duties heretofore exercised by the said township board or the members thereof shall thereafter be exercised and performed by the township board of education through its proper officers [C L. '29, s 7654]

Sec. 15.452 Same; library or museum, maintenance. Sec 16. Whenever any library or museum has been established by any school district the board of education thereof shall provide for its care and management and for this purpose may appoint librarians and hire other employes for such library or museum and fix their salaries, and purchase such books and apparatus as may be necessary for buildings for, and for the maintenance and support of, any such library or museum. [C.L. '29, s 7434.]

I. INCORPORATED LIBRARIES**(1) GENERAL PROVISIONS**

(Michigan Stats Anno., v 15, 1937, p.332-334, s.21.321-21.326, *Ibid.* v 23, p.44, s.27.2416.)

Sec. 21.321. Incorporation of library; meeting, calling. Sec. 1. Any seven (7) or more proprietors of a library may form themselves into a corporation, under such corporate name as they may adopt, for the purpose of enlarging, regulating and using such library; and for that purpose any justice of the peace may, on the application of five (5) or more of the proprietors, issue his warrant to one of them, directing him to call a meeting of the proprietors at the time and place expressed in the warrant, for the purpose of forming such corporation, and such meeting shall be called by posting up a notice containing the substance of such warrant, in at least two public places in the township where such library is kept, at least seven (7) days before the time of meeting. [C.L. '29, s.10176.]

Sec. 21.322. Same; proprietors, powers: certificate of proceedings, recording. Sec. 2 Any seven (7) or more of the proprietors of such library, met in pursuance of such notice, may choose a president, a clerk, a librarian, collector, treasurer, and such other officers as they may deem necessary; and they may also determine upon the mode of calling future meetings of the proprietors; and the proceedings of such first meeting, containing a specification of the corporate name adopted by such proprietors, shall be certified by the clerk of such corporation, and recorded by the county clerk of the county within which the same is formed, who shall be entitled to receive seventy-five (75) cents for recording the same [C L. '29, s.10177.]

Sec 21 323. Powers of corporation; governing law. Sec 3 When such proprietors shall be organized as a corporation in the manner hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five (55), so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this chapter [C.L. '29, s.10178.]

Sec. 21.324. Bond of collector and treasurer. Sec. 4 The treasurer and collector shall give bonds to such corporation, with sufficient sureties, to the satisfaction of the president, for the faithful discharge of their duties [C L. '29, s.10179]

Sec. 21.325. Shares, assessment, transfer; holding of property. Sec. 5. The said proprietors may raise such sums of money by assessment on the shares as they shall judge necessary for the purpose of preserving, enlarging and using the library; and the shares may be transferred according to such regulations as they may prescribe, and such corporation may hold (and may acquire by gift, grant, bequest or devise) real and personal estate to any amount not exceeding (twenty-five thousand dollars) (\$25,000), in addition to the value of their books; (and may hold in trust property granted, bequeathed or devised as may be prescribed by the grantor or

testator; and may be the beneficiaries of trusts created for their benefit). [C.L. '29, s.10180.]

Sec. 21.326. Organization of lyceums; powers. Sec. 6. Any fifteen (15) or more persons, in any township or county within this state, who shall, by writing, associate for the purpose of mental improvement, and the promotion of education, may form themselves into a corporation by the name of "the lyceum of" (the name of the place where the meetings of the corporation are to be holden), by calling their first meeting and being organized in like manner as is provided in this chapter, in the case of library corporations, and every lyceum, upon becoming a corporation as aforesaid, shall have, during the pleasure of the legislature, all the like rights, powers and privileges, as the proprietors of such libraries, and may hold real and personal estate, not exceeding six thousand dollars (\$6,000) [C.L. '29, s.10181.]

Sec. 27 2416 Inapplicability of chapter to certain corporations. Sec. 26 The provisions of this chapter shall not extend to any incorporated library * * * [As am by Act No 239, P A 1933 C L '29, s 15351]

(2) POLYTECHNIC ASSOCIATIONS

NOTE—Sec. 10134, Compiled Laws, 1929, repealed the sections dealing with polytechnic associations Sec. 10136, Compiled Laws, 1929, made corporations already existing subject to the general corporation act of 1921

(3) PUBLIC SUPPORT

(Michigan Stats Anno, v 11, p 553, s 15 1741)

Sec. 15 1741. Privately owned library; conditions of support by public, limitation. Sec 1 Any township, city or village within this state, having within its limits a library that had been open to the public upon the payment of dues, may appropriate not to exceed one-half ($\frac{1}{2}$) of one (1) mill on its assessed valuation for the support of such library, and such sum or sums shall be raised by taxation in the ordinary way. Provided, That any library so receiving support from any municipality shall be kept open for the convenience of the public not less than the afternoons and evenings of three (3) days of each week, and the books therein shall be for the free use of the public under such reasonable restrictions as such library shall prescribe [C.L. '29, s 8102]

J. SCHOOL LIBRARIES

(1) GENERAL PROVISIONS

(Michigan Stats Anno, v 11, 1937, p 102, 231, 239, 258, 259, 360-362, 392, s 15 167, 15 450, 15 452, 15 488, 15 491, 15 732, 15 734, 15 737, 15 740, 15 804)

Sec. 15 167. Powers and duties of county boards of education. Sec. 7. The powers and duties of the county board of education in all except city school districts of the first (1st), second (2nd) and third (3rd) classes and city school districts under special charter should be as follows:

* * * * *

(b) To have all of the authority and powers and duties given to township boards by act number three hundred nineteen (319) of the public acts of nineteen hundred twenty-seven (1927), being sections seven thousand ninety-four (7094) to seven thousand six hundred ninety-eight (7698) of the compiled laws of nineteen hundred twenty-nine (1929), with respect to the organization of school districts and the alterations of boundary lines of school districts. In all counties within the scope of this act the authority of townships boards to organize school districts and to alter the boundaries thereof is hereby terminated.

(c) To approve the purchase of library books for all school libraries and of all apparatus in school districts not employing a superintendent of schools and coming under the jurisdiction of this act. Before purchasing library books the school boards of such districts shall submit a list of the desired library books to the county board of education and have its approval endorsed thereon.

It shall be illegal for a district to spend money for any books or apparatus not approved.

* * * * *

Sec. 15.450 Board of education; powers and duties. Sec. 14. Every board of education, except as otherwise provided in this act, shall have the following powers and duties: * * *

School taxes. (2) To vote such taxes as may be necessary for all school purposes which shall include school furnishings and all appurtenances, the care of school property, for such alterations as shall be necessary to place the schoolhouse in a safe and sanitary condition, teachers' and employes' wages, water supply, premium upon indemnity bond for the treasurer of the district, transportation of the pupils, record, books and blanks, and all apparatus, equipment, and material which may be necessary in order that the schools may be properly managed and maintained, and for the deficiencies in such funds for the proceeding year, if any:

Accounting for moneys. (3) All such taxes when collected and received shall be accounted for under the title of "general fund"; all primary money shall be accounted for under the title of "primary fund"; all library money shall be accounted for under title of "library fund"; and all building and site money shall be accounted for under the title "building and site fund": [C L '29, s.7432.]

Sec. 15.452 Same; library or museum maintenance. Sec. 16. Whenever any library or museum has been established by any school district the board of education thereof shall provide for its care and management and for this purpose may appoint librarians and hire other employees for such library or museum and fix their salaries, may purchase such books and apparatus as may be necessary, and may include in the general budget for the purpose of the schools such sums as may be necessary for buildings for, and for the

maintenance and support of, any such library or museum. [C.L. '29, s.7434.]

Sec. 15.488. Supervisor; duty to furnish statement, contents. Sec. 9. The supervisor, on delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgment assessed under the provisions of this act upon the taxable property of any district, with the amount payable to such person on account thereof. [C.L. '29, s.7465.]

Sec. 15.491. Assessing officer; duty to furnish statement, contents. Sec. 12 The assessing officer, on delivery of the warrant for the collection of taxes to the township or city treasurer, shall also deliver to said treasurer a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this act upon the taxable property of any district, with the amount payable to such person on account thereof. [C.L. '29, s.7468.]

Sec. 15.732. School district library. Sec. 8 Any school district by a majority vote at an annual or special meeting may establish a school district library, due notice of said action to be stated on the annual or special meeting notice. Such district shall be entitled to its just proportion of books from the library of any township in which it is wholly or in part situated, and to its equitable share of any library moneys remaining unexpended in any such township or townships at the time of the establishment of such district library or that shall thereafter be raised by tax in such township or townships or that shall thereafter be apportioned to the township for library purposes. [C.L. '29, s.7655.]

Sec. 15.733. Same; control by board of education; persons entitled to privileges; sale or donation of books. Sec. 9 The board of education of any school district in which a library may be established in accordance with the provisions of this act shall have charge of such library and shall provide the necessary conveniences for the proper care of such library and said board shall be responsible for and shall use all moneys raised or apportioned for its support in accordance with the provisions of law. All persons residing within the boundaries of any school district in which a library has been established shall be entitled to the privileges of such library. The board of education of any school district may donate or sell any library book or books belonging to such district. [C.L. '29, s.7656.]

Sec. 15.734. Same; tax for support. Sec. 10 The qualified voters of any school district in which a library shall be established shall have power at

any annual meeting of such district to vote a district tax for the support of said district library. The board of education if it deems it necessary may also vote a tax for the maintenance and support of said library. When any tax authorized by this section shall have been voted it shall be reported to the supervisor, levied, and collected in the same manner as other township and school district taxes are levied and collected. [C.L. '29, s.7657.]

Sec 15.737. Library fund not expended within year. Sec. 13. If any school district shall not expend its library money for library purposes within one (1) year after the receipt of the fund by the district, such district shall not share in any apportionment of library money until it has expended the library fund on hand for library purposes. Any school district, however, shall not be required to spend its money for library purposes within the year after its receipt if in the judgment of the county commissioner of schools the whole or a part of such library fund is not needed during that year for library purposes [C L. '29, s 7660]

Sec 15.740. Districts entitled to library money; statement, contents. Sec 16 The superintendent of public instruction shall annually and previous to the fifteenth (15th) day of July transmit to the clerk and treasurer of each county a statement of the townships, school districts, and cities in his county that are entitled to receive library moneys, giving the number of children in each case between the ages of five (5) and twenty (20) years, as shall appear from the annual reports of such townships, school district, and cities for the school year last ending (As amended by Act No. 247, Public Acts 1935). [C L '29, s 7663]

Sec. 15.804 County school commissioner; duties. Sec 8 It shall be the duty of the county commissioner. * * *

Sixth, To visit each of the schools of the county at least once in each year and to examine carefully the discipline, the mode of instruction, the text-books used, the apparatus belonging to the school, the library, the progress and the proficiency of the pupils, the skill and efficiency of the teacher, the condition of the school property, and whether the attendance at school is in compliance with law, and to make a careful record of these items and report the same to the director of each district; * * * [C.L. '29, s 7706]

NOTE This act was repealed as to all counties having a population of over 250,000, by section 11 of Act 117, P A 1935.

(2) CITY SCHOOL DISTRICTS

(Michigan Stats Anno, v 4, 1936, p 52, 350, 351, 354, s 5 1671, 5.1989, 5.1991, 5 1996.

Sec. 5.1671 Duties as treasurer of school district; accounts; bond. Sec 14. The city treasurer shall be the treasurer of the school district designated in this act as the "public schools of the city," and shall have the custody of the funds belonging to and receivable by such district from

all sources, for schools, library, and schoolhouse purposes. He shall receive from the county treasurer, for the use of such district, all schools and library moneys coming to his hands to which the district shall be entitled; and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school and library moneys of the district in such manner as the board of education may require, and account therefor to said board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the board of education shall prescribe * * * [C L '29, s 1876.]

Sec. 5.1989. Same; district library, maintenance. Sec 11 Said board [of education] shall maintain a district library, and may apply to the purchase of books therefor in addition to the amount received on account of fines and forfeitures such sum annually as they may deem expedient. If in any city re-incorporated under and made subject to the provisions of this act there shall be a public library belonging to such city then the council of such city may transfer such library to the public schools of such city to be thereafter owned and maintained by the board of trustees of such school district. Provided, That in all cities where a free public library and reading room has heretofore been organized, under any general law of the state, such free public library and reading room may be continued under such law with all the rights, privileges and immunities appertaining thereto as at present enjoyed, however the same may be derived, anything herein contained to the contrary thereof notwithstanding [C L '29, s 2194]

Sec 5.1991. Same; annual school census; primary school funds, disposition. Sec. 13 The board shall cause a census to be taken annually of all the children between the ages of five and twenty years, residing in the district, within the time and in the manner required by law, and report the same and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys. For the purposes of distribution of the primary school funds and moneys collected from fines and penalties the city shall be considered the same as a township, and said board shall be entitled to receive from the county treasurer or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city for primary schools and district libraries [C.L. '29, s.2196]

Sec. 5 1996 School treasurer, bond, duties; moneys, accounting; duplicate receipts. Sec. 17. The treasurer shall give bond to the public schools of the city, in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All school and library moneys receivable from the county treasurer and from the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out for any purpose except upon the written order of the president,

countersigned by the secretary of the board. Any officer or person paying to the treasurer any money belonging to the public schools shall take duplicate receipts therefor, and transmit one (1), of them to the secretary of the board. [C.L. '29, s.2200.]

(3) TOWNSHIP SCHOOL DISTRICT

(Michigan Stats. Anno., v.11, 1937, p.62, s.15.76 (d) and (m).)

(4) PRIMARY SCHOOL DISTRICTS

(Michigan Stats. Anno., v 11, 1937, p 25, 29, s 15 11, 15 15)

Sec. 15.11. Discontinuance of school; transportation and tuition of pupils. Sec. 10. At an annual or special meeting the district may vote to discontinue school in the district for the ensuing or current year and direct the school board to make provision to send the children resident therein to another school or schools; or it may vote to direct the school board to make provision to send the children of any or all grades to another school or schools. When such action has been taken the school board may use any funds, except library or building funds, to provide and equip a vehicle and shall pay the tuition and transportation of all such children, and if necessary shall vote a tax for such purposes. The vehicle used for the transportation of the children shall be of ample capacity [As amended by Act 54, P.A. 1931 and Act 209, P.A. 1933.]

Sec. 15.15. Director; duties. Sec. 15. It shall be the duty of the director of each school district; * * *

School supplies. Sixth, To provide the necessary appendages for the schoolhouse and keep the same in good condition and repair during the time school shall be taught therein. Necessary appendages within the meaning of the law shall consist of the following articles, to-wit: A set of wall maps, the grand divisions, the United States and Michigan, a globe, a dictionary, a case for library books, a looking glass, towel, pail, sanitary cups, ash pail, poker, stove shovel, broom, dust pan, dust cloths, wash basin and soap, and upon the order of the district board shall furnish the schoolhouse with such other apparatus as may be necessary for doing efficient work. * * * [C.L. '29, s 7109.]

(5) DISTRICTS OF THE SECOND CLASS

(Michigan Stats. Anno., v 11, 1937, p.134, s 15 251)

Sec. 15.251. Board of education; census; library funds, disbursements; compensation; yea and nay vote. Sec. 21. The board shall provide for taking the school census required by law. It shall receive the funds devoted by law to the maintenance of the district or school libraries and shall devote the same to that purpose, and may delegate the expenditure of such library funds to such executive body as may be constituted by law for the management of the public or school libraries within the city. No

member of the board shall receive any compensation whatever for services as members nor for any service rendered to the board. Every action of the board involving the incurring of pecuniary liabilities or expenditure of money shall be by yea and nay vote entered at large upon its record. [C.L. '29, s.7263.]

(6) DISTRICTS OF THE THIRD CLASS

(Michigan Stats Anno, v 11, 1937, 1941 Suppl p.17, s 15 195)

Sec. 15.195. Board of education of school districts of third class; powers and duties. Sec. 15. The board of education of any school district of the third (3rd) class hereunder shall have the following powers and duties:

Sites; disposition of property.

- (a) To locate, acquire, purchase or lease in the name of the district such site or sites within or without the district for * * * libraries * * * as may be necessary; to purchase, lease, acquire, erect, or build and equip such buildings for * * * library * * *, as may be necessary; to pay for the same out of the funds of the district provided for that purpose, to sell any real or personal property of the district which is no longer required thereby for school purposes, and to give proper deeds, bills of sale or other instruments passing title to the same.

Condemnation proceedings.

- (b) To institute and maintain proceedings in the proper court for the condemnation of private property for public use for all purposes for which said board is authorized by law to acquire and hold property, when said board shall have first declared the taking necessary for such use and the same is for the use and benefit of the public. When the board shall have made such declaration, such condemnation proceedings shall be instituted and conducted in the court specified and in the manner provided by the general school laws of the state relating to the condemnation of private property for public use * * *

Library or museum.

- (i) To establish and maintain or continue a library and/or museum, which institutions may be separately operated if desired, for the public schools of the district, if it shall deem it advisable to do so, and to provide for its or their care and management. For this purpose said board of education may appoint librarians and hire other employes for such library and/or museum and fix their salaries, may purchase such books and apparatus as may be necessary, and may include in the general budget for the purpose of the schools such sums as may be necessary for buildings for, and for the maintenance and support of, any library and/or museum established, and such board of education may appoint a board of

library commissioners and/or a board of museum commissioners of not to exceed seven persons, which boards shall be separate boards if such board of education so desires. Members of the board of education shall not be eligible to membership on such boards. Such board or boards shall have control and direction of the public library or libraries and/or museum or museums in such district subject to the approval of the board of education therein, and shall keep a correct record of its or their proceedings. All moneys for any such libraries, including the fines devoted by law for the maintenance of district or school libraries in such district, which when collected shall be paid to the treasurer of the board of education therein, shall be kept by said treasurer and paid out by him on the order of the board of library commissioners approved by the secretary of the board of education. [As Amended by Act No 122, Public Acts 1937.]

(7) FIRST CLASS SCHOOL DISTRICTS

(Michigan Stats Anno, v.11, 1937, p 136, 137, 158, s 15 256, 15 257, 15 308)

Sec. 15.256. District divided by this chapter; apportionment of assets and liabilities; primary school or library money. Sec 3 If by reason of the taking effect of this chapter in any city, a school district or districts shall be divided, the school real estate within the city shall vest in and be the property of the city school district. * * * All primary school or library money either in the hands of the district treasurers of the districts affected, or in the process of apportionment or distribution, shall be divided among the respective school districts in accordance with the number of names upon the school census list residing in the respective portions of the divided district at the time the said census list was compiled. [C L '29, s.7268.]

Sec. 15.257. Territory annexed to city. Sec 4. If after taking effect of this chapter in any city, territory shall be annexed to the city, pursuant to law, such territory, by such annexation shall, on the twenty-first (21st) day after certificate of such election, become and be a part of the school district of that city * * * If by such annexation any school district is divided, the property, cash, taxes levied and uncollected, primary school money, library money and other assets of the divided district shall pass to and be vested in the respective districts in a similar manner to that provided for in section three (3) of this chapter * * * [C.L. '29, s.7269.]

Sec. 15.308. Effect of act on law as to libraries. Sec. 55 Nothing in this chapter or in any other part of this act shall be construed to repeal or in any way affect any general law or local law governing the management and control of public libraries as now established in school districts that come within the provisions of this chapter, and the powers and duties with reference to such libraries as are now assigned to the boards of education now

in existence in such city school districts shall be assigned to and transferred to the board of education herein created [C.L. '29, s.7320.]

K. COUNTY LAW LIBRARIES

(Michigan Stats Anno, v 22, 1938, p 624, s 27.2224.)

Sec. 27.2224. Same; duties of treasurer, credits to library fund; purchase and disposition of property sold for breach of recognizance; credits to and expenditures from law library funds in certain counties. Sec. 40. Every county treasurer shall keep an accurate account of all moneys paid to him on account of fines, penalties, and forfeitures, and shall credit all fines for the violation of the penal laws to the library fund and all other fines, penalties and forfeitures to the general fund, and he shall account therefor to the board of supervisors at each annual meeting of such board. And in case of the sale of any real estate upon an execution upon judgment rendered for the breach of any recognizance in any criminal case it shall be the duty of the county treasurer, in case there are no bidders to the full amount of any such judgment or the value of the property advertised, to bid off the same; and in case the same shall not be redeemed within the time allowed by law for the redemption thereof, to sell the same for the best price he can obtain therefor, and place the money received in the general fund: Provided, That in counties having a population of not less than fifty thousand (50,000) inhabitants, and not exceeding five hundred thousand (500,000) inhabitants, according to the last federal census, the county treasurer shall credit semi-annually all fines, penalties and forfeitures to a fund to be known as the "county law library fund," up to but not exceeding the sum of one thousand five hundred (1,500) dollars in any one (1) year, and in all counties having a population of less than fifty thousand (50,000) inhabitants, the county treasurer shall credit semi-annually all fines, penalties and forfeitures to a fund to be known as the "county law library fund," up to, but not exceeding, the sum of seven hundred fifty (750) dollars in any one (1) year. All moneys so credited to the county law library fund shall be paid out by the county treasurer upon the order of the circuit or probate judge or judges elected in said county for the purpose of establishing and maintaining a law library for the use of the circuit and probate courts of such county and for the officers of such courts and persons having business in such courts. Provided, That all penalties and forfeitures other than those for the violation of penal laws, paid in the superior court of Grand Rapids, shall be paid by the clerk of said court to the city treasurer of Grand Rapids, who shall credit the same to a fund to be known as "the superior court law library fund," up to but not exceeding the sum of one thousand five hundred (1,500) dollars in any one (1) year. The money so credited shall be paid out only upon order of the judge of the superior court, for the purpose of maintaining the law library for the use of the superior court of Grand

Rapids. [As Amended by Act No. 147, P.A. 1931 and Act No. 180, P.A. 1935.]

L. MISCELLANEOUS PROVISIONS

(1) CONSTITUTIONAL PROVISIONS

(Michigan Const 1908, Art XI, s.14)

Art. XI, sec. 14. The legislature shall provide by law for the establishment of at least one library in each township and city ; and all fines assessed and collected in the several counties, cities and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries.

(2) DISTRIBUTION OF STATE PUBLICATIONS

(Michigan Stats. Anno, v 2, 1936, p 73, 74, 315, 316, 318, 319, 320, 321, 325, 334, 337, s.2251, 2256, 4.322, 4.323, 4.329, 4.331, 4.333, 4.334, 4.339, 4.348, 4.382, 4.411, 4.421; *Ibid* 1941 Suppl p 75, s.4.326)

Sec. 2251. **Index of general laws.** Sec. 1. There shall be prepared and made an index of all the general laws of the state of Michigan, which index shall be published by the state for sale and distribution. [C L. '29, s.92]

Sec. 2.256. **Number and distribution.** Sec 6 An edition of three thousand (3,000) copies of said index shall be printed and bound by the state printers and shall be delivered to the secretary of state for distribution One (1) bound volume of said index shall be delivered to each of the following persons, officers and libraries, viz., libraries of state officers, libraries of state institutions, libraries of state boards, members of the legislature of nineteen hundred twenty-nine (1929), the secretary of the senate, the clerk of the house of representatives, each elective state officer, each circuit judge, each judge and clerk of the recorder's, superior and police courts, county clerks, prosecuting attorneys, judges of probate, public and bar association and county law libraries and six (6) copies to the commissioner who prepared the said index. In addition to the foregoing, there shall be deposited in the state library two hundred (200) copies for use in said library and for exchange [C.L. '29, s 97.]

Sec. 4.322 **Public acts; distribution, free, exchange, sale, pamphlet compilations.** Sec. 2 There shall be published of the volume containing the public acts of each session of the legislature a sufficient number of copies to supply the following persons, officers, libraries, corporations, and societies with one copy each, viz.: Libraries of all state departments, boards, commissions and institutions, members of the legislature passing such acts, senators and representatives of this state in congress; the secretary of state of the United States, the United States senate library and the library of congress; judges and clerks of circuit and district courts of the United States in this state; justices and clerks of the supreme court, judges of the circuit courts, judges and clerks of the superior and police courts; all county officers, supervisors and clerks of townships; clerks of

incorporated villages and cities; justices of the peace of townships, villages and cities actually serving as such; public, free and incorporated libraries and bar association libraries. In addition to the foregoing, there may be published of said public acts such further number of copies as the secretary of state shall deem needful and two hundred (200) copies thereof shall be deposited in the state library for use in said library and for exchanges, and the remaining copies shall be deposited in the office of the secretary of state for sale and future distribution. And the secretary of state is further authorized to publish and distribute at cost to all persons who shall require them, in pamphlet form, duly annotated and indexed, compilations of the general laws upon the following subjects: Central and primary elections; biennial supplement to the township officers' guide; all acts of a general nature given immediate effect by the legislature, within thirty (30) days after their passage; and such other subjects as he may deem necessary and as may be approved by the board of state auditors. The auditor general shall publish and distribute all pamphlets of the general tax law or of all other laws relating to the revenue of the state, in such form and in such quantities as the board of state auditors may deem necessary. [As Am. by Act No. 187, P A 1931]

Sec 4.323. Local acts; distribution. Sec. 3. There shall be published of the volume or volumes containing the acts of a private or municipal character a sufficient number of copies to supply the following persons, officers, libraries and corporations with one (1) copy each, viz.: Libraries of state officers, libraries of state institutions, libraries of state boards; members of the legislature passing said acts, the secretary and assistant secretary of the senate, the clerk and assistant clerks of the house of representatives; judges and clerks of circuit and district courts of the United States in this state, justices and clerks of the supreme court, judges of the circuit courts, judges and clerks of superior and police courts; county clerks, prosecuting attorneys, circuit court commissioners; clerks of such townships, villages and cities as are directly affected by any of said acts, and two hundred (200) copies, which shall be deposited in the office of the secretary of state, for sale and future distribution. [C.L. '29, s.488.]

Sec. 4.326 Journals of senate and house; printing, distribution. Sec. 6. The official journal of the senate and house of representatives shall be printed in solid brevier type, same size of page as that of the journals of nineteen hundred twenty-nine (1929), and not to exceed six hundred (600) copies shall be printed and bound, in volumes of convenient size, to supply the following persons, officers, libraries, and corporations with one (1) copy each, viz : Libraries of state officers, libraries of state institutions, libraries of state boards; members of the legislature of the year when said journals are issued, the secretary, assistant secretary and clerks of the senate, the clerk and assistant clerks of the house of representatives; senators and representatives of this state in congress, the United States senate library

and the library of congress; judges and clerks of the United States circuit and district courts in this state; justices and clerk of the supreme court and judges of circuit courts. The surplus supply shall be deposited in the office of the secretary of state, to supply future demands [As Am. by Act No. 3, P A 1933 and Act No. 40, P A. 1939]

Sec. 4 329 Report of vital statistics; printing, distribution, monthly bulletins. Sec 9. The annual report of the secretary of state of the births, marriages, deaths and divorces shall be printed and bound for distribution as follows: Two hundred (200) copies for the state board of health, for distribution by said board in their discretion, and for distribution by the secretary of state such number of copies as he shall deem necessary, not exceeding two thousand (2,000) in number. Also a sufficient number of the monthly bulletin of vital statistics shall be issued by the secretary of state to supply registrars, health officers, newspapers published in Michigan, libraries, county officers and other persons making special requests for the same. [C L '29, s 494.]

Sec 4 331 Report of superintendent of public instruction; printing, distribution; course of study for district schools; institute outlines; educational bulletins. Sec 11 There shall be printed of the annual report of the superintendent of public instruction, a sufficient number to supply all school libraries in the state with one (1) copy each, also one (1) copy each to the following persons or institutions: To each superintendent of public instruction, state university, college of mines and state normal school in the United States, each living ex-superintendent and deputy superintendent of public instruction in this state, each member of county boards of examiners, each city superintendent of schools, two hundred (200) copies for deposit with the secretary of state for future distribution, and such number of additional copies as the superintendent of public instruction may, in his discretion, deem necessary, and not exceeding three hundred (300) copies. Said report shall not exceed three hundred (300) pages including context and index, such pages to be the size of the pages of the report of the superintendent of public instruction for the year eighteen hundred ninety-five (1895), and such report shall be distributed by the superintendent of public instruction. Not to exceed the sum of fifty (50) dollars for any one report shall be expended for cuts or illustrations for said report: Provided, That said fifty (50) dollars shall cover the cost for special paper, if necessary for such cuts, and also the cost of making such cuts: Provided further, That the state superintendent of public instruction may prepare and have published for the district schools a state course of study, for the teachers' institutes, institute outlines; and, from time to time, such educational bulletins as he may deem necessary and the board of state auditors may approve, for the advancement of the cause of education in Michigan [C.L '29, s 496]

Sec 4 333 Certain reports not enumerated; printing, requisition. Sec.

14. Of all other reports not specifically enumerated in this act there shall be printed and bound one hundred (100) copies for deposit in the office of secretary of state, two hundred (200) copies, in either paper or permanent binding, for deposit in the state library, as provided in section 20 of this act, and any additional number in the discretion of the board of state auditors. It shall be the duty of each officer or department when making requisition for the printing of his or their report, to certify to said board the number of copies which in his or their estimation, should be printed or printed and bound. In determining the additional number of copies to be printed or printed and bound, it shall be the duty of the board of state auditors to take into consideration the value of the contents of said report, the demand for the same and the certification of the officer or department as to the required number in their estimation. Upon such determination the number of copies decided upon, and no more, shall be printed, or printed and bound. [C.L. '29, s498]

Sec 4 334 Crop reports, printing; bulletins of dairy and food commissioner, state librarian and state board of health, printing. Sec. 15 The crop reports of the secretary of state shall be printed as at present provided by law, and the sum so expended for printing and binding shall not exceed the sum of one hundred and fifty (150) dollars in any one (1) year.

* * * * *

The state librarian is authorized to expend in any one (1) year not exceeding one hundred (100) dollars for printing and binding bulletins * * * [C L '29, s 499]

Sec. 4 339. Publications; additional copies in discretion of state librarian. Sec 20. There shall be printed of all publications, reports and documents as provided in this act, such additional copies for use and exchanges by the state library as the state librarian may in his discretion deem necessary for such purpose, but not exceeding two hundred (200) copies of any one (1) publication, and it shall be the duty of the board of state auditors to advise with the state librarian, prior to ordering the state printer to print such publications, that the proper number be ordered from the state printer and delivered to the state librarian [C.L. '29, s 504]

Sec. 4 348 Legislative manual; number published; distribution, sale, exchanges. Sec. 30. There shall be published of the legislative manual 15,000 copies, which shall be disposed of in the following manner, to-wit:

1 The Secretary of State shall deliver one copy to each of the following, namely. Senators and Representatives in Congress from this state, United States circuit and district court judges in this state, justices of the state Supreme Court, and the judges of the circuit, superior and probate courts, each county clerk and county school commissioner; each district, graded and city public school; each public library other than school libraries; members of state boards and commissions, libraries of state officers and in-

stitutions; each clergyman officiating as chaplain during the preceding session of the legislature. * * * [C.L. '29, s.513.]

Sec. 4.382. Same copies to state librarian. Sec. 12. Such contractor shall, within sixty (60) days after receiving the final manuscripts of any volume from the reporter, deliver to the state librarian at Lansing, free of cost for publication or delivery, three hundred seventy-five (375) copies of the Michigan reports and twenty-five (25) copies of the advance sheets of Michigan reports, in good order and according to contract, to be distributed by the state librarian as authorized in writing from time to time by the justices of the supreme court [C.L. '29, s 535]

Sec. 4.411 State librarian may exchange reports, sale; bond; money paid to state treasurer monthly; new edition. Sec 7 The state librarian may exchange any of said reports for such other reports or law books as shall be approved by the chief justice of the supreme court, which reports or other books, procured by such exchange, shall be kept in the state library. After the publication of any volume under the provisions of this act the state librarian may sell the same at a price per volume not exceeding the actual cost to the state of publication thereof, to be determined by the board of state auditors, and twenty (20) per cent added thereto. The state librarian shall give a bond in the penal sum of five thousand (5,000) dollars to the state, conditioned for the faithful performance of the duties imposed by this act. He shall keep an account of all moneys received by him for said reports, and shall pay the same monthly to the state treasurer, who shall credit the same to the general fund. In case of sales to any one (1) person at one (1) time of twenty-five (25) volumes or over, the twenty (20) per cent aforesaid may be deducted from the selling price of such volumes. When the edition of any volume authorized to be sold by the state librarian shall be exhausted, a new edition of the same number of volumes shall be printed, bound, and sold, as provided in this act relative to the first (1st) edition. [C.L. '29, s 543]

Sec. 4.421. Certain counties entitled to compiled laws of 1897, session laws, Michigan reports. Sec 1. In all counties in which circuit court is held in more than one (1) place, it shall be the duty of the secretary of state to furnish to the county clerk of such county, for the use of said circuit court, one (1) complete set of the Compiled Laws of eighteen hundred ninety-seven (1897), together with the index thereof and acts passed by the legislature subsequent to eighteen hundred ninety-seven (1897), and the state librarian shall furnish one (1) complete set of the Michigan supreme court reports: Provided, That if for any reason the state librarian shall be unable to furnish any of the volumes of said reports, the board of state auditors is hereby authorized, and it is its duty, to purchase such missing volumes to complete such set; Provided further, It shall be the duty of the state librarian to furnish from time to

time to said county clerk, the current volumes of Michigan supreme court reports as they are issued. [C.L. '29, s 544.]

(3) LIBRARIAN OF STATE UNIVERSITY

(Michigan Stats. Anno, v 11, 1937, p 425, s 15 907.)

(4) TAX EXEMPTIONS

(Michigan Stats. Anno, v 6, 1941 Suppl. p 3, 10, 141, s 77, 79, 7 556.)

Sec. 7.7. Real property exempted from property tax. Sec. 7. The following real property shall be exempt from taxation: * * *

Charitable, educational or scientific institutions; scout organizations. **Fourth,** Such real estate as shall be owned and occupied by library institutions incorporated under the laws of this state with the buildings and other property thereon while occupied by them solely for the purposes for which they were incorporated. * * * [Amended by Pub. Acts. 1941. No. 125.]

Sec. 7.9. Personal property exempted from property tax. Sec. 9 The following personal property shall be exempt from taxation to-wit:

* * * * *

Libraries. Second, Of all library associations, circulating libraries, libraries of reference, and reading rooms owned or supported by the public, and not used for gain. [As last amended by Act No 232 Public Acts 1939.]

Sec. 7 556(3). Same; deductions and exemptions. Subsection b. The following shall be exempt from the tax imposed by this act.

(6) Intangible personal property belonging to benevolent, charitable, religious, educational, and scientific institutions incorporated under the laws of this state. Provided, That such exemption shall not apply to secret or fraternal societies; but the intangible personal property of charitable homes of such societies shall be exempt: [Act No. 233, Public Acts 1941.]

(5) FINES FROM TWO WARRANTS AND OTHER PROCEEDINGS

(Michigan Stats Anno, v 3, 1936, p 359, s 5 1283; *Ibid* v.9, p 131, s 12 536; *Ibid* v 17, p 230, s.23 362; *Ibid* v 22, p 769, s 27 2334, *Ibid* v 24, p.429, s 28 134; *Ibid*. v.11, 1941 Suppl p 67, s 15 891 [8])

Sec. 5.1283. Fines, payment; treasurer's receipt, filing. Sec. 13. All fines imposed for violations of the ordinances of the village, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to said court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall within 30 days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same

into the village treasury except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt therefor, and file the same with the clerk. [C.L. '29, s 1547]

Sec. 12.536. Penalties for certain violations; disposition of fines. Sec. 26 Any person or police officer, violating or failing or refusing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding \$100, or to imprisonment in the county jail not exceeding 3 months, or to both such fine and imprisonment at the discretion of the court. Any person presenting a false claim, knowing it to be false, or receiving any money on such false claim, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be subject to a fine not exceeding \$100, or to imprisonment in the county jail not exceeding 3 months, or to both such fine and imprisonment in the discretion of the court All fines collected under the provisions of this act shall be forthwith paid to the treasurer of the county and by him credited to the library fund of the county [C L '29, s 5270]

Sec. 23 362. Same; penalty for failure; procedure; proceeds, disposition; civil liability for mistaken marking. Sec 2 Any bank or banker willfully or knowingly neglecting or refusing to write upon or stamp any bill or bills, knowing them to be counterfeit, altered or worthless, as presented in the preceding section, shall forfeit and pay the purported value of the bill or bills allowed to pass without being so written upon or stamped, to be recovered before any court having jurisdiction, and paid into the county treasury for the benefit of the library fund. * * * [C L. '29, s.12071]

Sec 27 2334 Fine; imposition, disposition of proceeds. Sec 20 The court may also, in its discretion, impose a fine upon any such person or corporation against whom such judgment shall be rendered, not exceeding 2,000 dollars, which fine, when collected, shall be paid to the state treasurer, and shall by him be distributed and paid to the several county treasurers to the credit of the several library funds, in the same proportions that the income of the primary school fund was apportioned to the several counties, at the then last apportionment of such school moneys [C L. '29, s 15290]

Sec. 28.134. Religious meeting, disturbance; penalty, disposal of fine. Sec. 26. Whoever shall violate either of the provisions of the foregoing section, may be convicted summarily before any justice of the peace of the county, or any mayor, recorder, alderman or other magistrate of any city or township where the offence shall be committed, and on such conviction, shall forfeit a sum not exceeding 25 dollars, for the benefit of the township libraries, in the township in which such conviction is had. [C.L. '29, s 16840]

Sec 15 891(8). Deduction from installments of compensation for educational service; disposition; neglect of duty, penalty; withholding payment to

district. Sec 8. Boards of education, trustees, and other public school authorities, and officers having duties to perform in respect to the payment of salaries to teachers who are under this chapter, shall cause to be deducted from each installment of salary of such teachers the pro rata amount due from such teachers to the teachers' retirement fund, and forward the same to the secretary thereof, as prescribed by the retirement fund board, and he in turn shall, after making proper records of the same, deposit said moneys with the treasurer of the board. Every officer and person failing to perform any duty prescribed by this chapter, shall be liable to a penalty of fifty dollars (\$50 00) for each offense, to be recovered in an action of debt in the name of the people of the state of Michigan. And in case of any such liability, the attorney general, upon requisition of the retirement fund board, shall prosecute and recover the penalty herein provided, and when recovered pay the same to the treasurer of the school district who shall place the same to the credit of the library fund of said district. [As Am by Acts No 163, Public Acts 1941]

(6) PROTECTION OF LIBRARY PROPERTY

(Michigan Stats Anno, v.25, 1938, p 67, 80, s.28 596, 28 623)

Sec. 28 596 **Larceny from libraries.** Sec 364 Any person who shall procure, or take in any way from any public library or the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript, or exhibit or any part thereof, with intent to convert the same to his own use, or with intent to defraud the owner thereof, or who having procured or taken any such book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any art thereof, shall thereafter convert the same to his own use or fraudulently deprived the owner thereof, shall be guilty of a misdemeanor. [Acts No. 328, Public Acts 1931. C L '29, s 17019]

Sec 28 623 **Maliciously injuring or mutilating library books, etc.** Sec. 391. Any person who shall wilfully, maliciously or wantonly tear, deface or mutilate or write upon, or by other means injure or mar any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript, or exhibit or any part thereof belonging to or loaned to any public library, or to the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, shall be guilty of a misdemeanor. [Acts No. 328, Public Acts 1931. C.L.'29, s.17019.]

(7) CERTIFIED COPIES

(Michigan Stats Anno, v 21, 1938, p 296, 297, s 27 971-27.974)

Sec. 27.971. **Library book or paper; certified copy as evidence; affidavit of officer.** Sec 1. Any copy of the records, books or papers belonging to or

in the custody of any public, college or university library, or of any incorporated library society, when accompanied by a sworn statement by the librarian or other officer or person in charge thereof, that the same is a true copy of the original record, book or paper in his custody, shall be admissible as evidence in all courts and proceedings in like manner and to the same extent as the original would be if produced. [C.L. '29, s.14248.]

Sec. 27.972. Photostat copy as evidence; affidavit. Sec. 2. Any photostat copy of the records, books, papers or documents belonging to or in the custody of any public, college or university library, or of any incorporated library society, when accompanied by a sworn statement made by the librarian or other officer or person in charge thereof, stating that the copy is made under his supervision or that of a duly authorized representative, and that nothing has been done to alter or change the original, and that the same is a true photostat copy of the original record, book, paper, or document in his custody, shall be admissible as evidence in all courts and proceedings in like manner as the original would be if produced [C.L. '29, s.14249.]

Sec. 27.973. Same; fees for making copies. Sec 3 For making and certifying such copies, a fee of 25 cents, and for making and certifying each photostat copy, a fee of one dollar, may be charged and a further charge may be made of 10 cents per folio and 50 cents per photostat sheet for copies actually made. [C.L. '29, s 14250.]

Sec. 27.974 False certification of copy, felony; punishable as perjury. Sec 4. Anyone who shall certify falsely in regard to any of the foregoing copies shall be guilty of a felony and, upon conviction thereof in any court of competent jurisdiction, shall be subject to the same penalties provided by statute for perjury. [C L '29, s.14251]

(8) BOND ISSUES FOR BUILDING AND SITES

(Michigan Stats Anno, v 11, 1937, p 545-547, s 15 1681-15 1685)

Sec. 15.1681 Legislative bodies to provide sites and building; improvement of existing property; bonds, limitation. Sec. 1 The legislative body of any city, village or school district where free public libraries have been, or may hereafter be established, is hereby authorized upon the application of the local library board, or commission or body duly authorized by law to maintain free public libraries in such city, village or school district to borrow a sum of money upon the faith and credit of such city, village or school district not exceeding one-fourth of one ($\frac{1}{4}$ of 1) per centum of the assessed valuation of such city, village or school district to provide sites for, and for the erection thereon, of free public library buildings, and for additions to and improvements of such sites and the buildings thereon now existing or hereafter acquired and to issue the bond or bonds of such city, village or school district therefor: Provided, That wherever library bonds have heretofore been issued or authorized said bonds shall be included in the limitation of

one-fourth of one ($\frac{1}{4}$ of 1) per centum of the assessed valuation; and provided further, That such bonds hereafter issued shall be in addition to all other indebtedness which the city, village or school district is or may be authorized to incur for purposes other than library purposes. [C.L. '29, s.8076.]

Sec. 15.1682 Bonds; form, issuance, negotiation. Sec. 2. Said bonds shall be denominated "public library bonds of the city, village or school district number of, " shall be regularly dated and numbered in the order of their issue, shall be for sums not less than one hundred (100) dollars each, shall bear interest not exceeding five (5) per centum per annum and shall be payable within such time from date of issue, as the local legislative body of such city, village or school district may determine. They shall be issued under the seal of the city or village, signed by the mayor thereof, and countersigned by the controller or like financial officer of said city, or in case of school districts, the chairman of the school board. Said bonds shall not be negotiated at less than their par value [C.L. '29, s.8077.]

Sec. 15.1683. Same; approval of issue. Sec. 3. No bonds shall be issued under this act unless such issue has been approved by both the local legislative body and by that body to whom is entrusted the management of the local library system and upon such concurrent approval the legislative body of said city, village or school district shall thereupon proceed to issue and negotiate the sale of said bonds [C.L. '29, s.8078.]

Sec. 15.1684. Same; sinking fund for redemption; receipts from sale, disposition. Sec. 4. The local legislative body of such city, village or school district shall provide a sinking fund for the redemption of the bonds issued under the provisions of this act to which end it shall be its duty to raise by taxation, each year, upon the property assessed for city, village or school district purposes, such sum as shall be sufficient to make said sinking fund adequate at the maturity of the bonds, to pay the same and the moneys so raised shall be used for no other purpose. The principal realized from the sale of said bonds shall be deposited with the treasurer of said city, village or school district and credited to a public library fund for the purposes hereinbefore mentioned and shall be used for said purposes only. The premium and accrued interest of said bonds shall be credited to the sinking fund of said city, village or school district. [C.L. '29, s.8079.]

Sec. 15.1685 Same; budget items for sinking fund and interest. Sec. 5. It shall be the duty of the local board entrusted with the management of the local library system, to include in its budget each year, an item of the amount necessary to be raised each year for the sinking fund and an item for the amount necessary to be raised each year for the interest on said bonds and said items shall be allowed by the local body or officer whose duty it is to determine the amount to be raised by taxation for said city, village or school district. Said items shall be in addition to the amount which may be annually raised by taxation for all other purposes. [C.L. '29, s.8080.]

(9) MEMORIAL BUILDINGS

(Michigan Stats. Anno., v 2, 1936, p 520,522, s.4 1371, 4 1381.)

Sec. 4 1371. Lands, acquisition by township for soldiers' memorial; use.

Sec. 1 It shall be lawful for, and the several townships in the state of Michigan are hereby authorized and empowered to own and acquire by gift or purchase, land for the purpose of erecting thereon a suitable memorial to soldiers and sailors of any one or more of the wars in which the United States of America has been a participant, and to erect and own such memorial or receive the same, or money or property for the same, as a gift. Said memorial may be of such a nature as to be used, maintained and enjoyed in whole or in part as a museum, library, auditorium or for any other public use or purpose, and such land may also be used, enjoyed and improved, in whole or in part, as a park, or the memorial may take such shape or form or be of such a nature as the township board shall adopt [C L. '29, s 944.]

Sec. 4.1381. War memorials; city ownership, acceptance of gifts; character. **Sec. 1** It shall be lawful for, and the several cities in the State of Michigan are hereby authorized and empowered to own and acquire by gift, purchase, condemnation, or otherwise, land for the purpose of erecting thereon a suitable memorial to soldiers and sailors of any one or more of the wars in which the United States has engaged, and to erect and own such memorial, or receive the same, or money or property for the same, as a gift. Said memorial may be of such a nature as to be used, maintained and enjoyed, in whole or in part, as a museum, art gallery, library, auditorium, or for any other public use or purpose, and such land may also be used, enjoyed and improved, in whole or in part, as a park [C L. '29, s 948.]

(10) ACQUISITION AND DISPOSAL OF LIBRARY PROPERTY

(Michigan Stats Anno , v 11, 1937, p 553, s 15 1751, 15 1752)

Sec 15.1751. Donations. **Sec. 1.** Any board of education, library commission or other public corporation empowered to maintain a public library may receive and accept gifts and donations of property, real or personal, for the purpose of such library and shall hold, use and apply the property so received for the purposes set forth in the instrument of gift and in accordance with the provisions of such instrument and subject to the conditions and limitations, if any, therein expressed [C L '29, s 8103]

Sec. 15.1752. Disposal of property not needed. **Sec. 2.** Whenever any property, real or personal, now or hereafter held and used for the purpose of a public library by any board of education, library commission or other public corporation shall, in the judgment of such corporation, be no longer needed for such purpose, such property may be sold and disposed of by such corporation unless such sale and disposal be inconsistent with the terms and conditions upon which such property was acquired, at such price and upon such terms and conditions as said corporation may deem proper, and the pro-

ceeds thereof shall by said corporation be used and applied for the purpose of such library. [C.L. '29, s.8104.]

(11) DUTIES OF VARIOUS OFFICERS

(Michigan Stats Anno, v 4, 1936, p 54, s 5.1672; *Ibid.* v.11, p 78, 167, 261, 361, 363, s.15.88, 15 349, 15 494, 15 735, 15 736, 15 739, 15 740; *Ibid.* 1941 Suppl. p 57, 58, s.15 738, 15.769.)

Sec 15 88. **Board members; unlawful acts.** Sec 38. It shall be illegal for any member of the board of education to act as agent for any author, publisher, or seller of school books or school apparatus, or to receive any gift or reward for his influence in recommending the purchase or use of any school book or apparatus in the state of Michigan. It shall be illegal for any member of the board of education to perform any labor except as provided in this chapter, or furnish any material or supplies for the school district in which he is an officer, and he shall not be personally interested in any way whatever, directly or indirectly, in any contract with the district in which he holds office. Any act herein prohibited, if performed by any such school officer, shall be deemed a misdemeanor and he shall be liable to the punishment provided for such offense in accordance with the provisions of the statutes in such case made and provided. [C L. '29, s 7168.]

Sec 5.1672 **Prohibited handling of public moneys; removal from office.** Sec. 15 The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term [C L '29, s 1877]

Sec 15.349 **Township and district libraries; rules, list of books for selection; course of study for district schools.** Sec 9 The superintendent of public instruction may prepare and have printed general rules and regulations for the management of township and district libraries, and shall prepare and have printed a course of study for the district schools of the state, which shall be pursued in all district schools in the state, except districts of the first, second, and third class, and he shall transmit all these documents to the several school officers entrusted with the care and management of the public schools. With the co-operation of the state librarian, he shall prepare, at least once in every two years, lists of books suitable for township and district libraries, and furnish copies of such list to each school board of each school district and to each township officer entrusted with the care and custody of their respective libraries, except city school libraries, and high school libraries, from which lists the said school officers shall select and purchase books for their respective libraries. [C.L. '29, s.7338.]

Sec. 15.494. Same; application for school and library money; notice.
Sec. 15. The township treasurer shall, from time to time, apply to the county treasurer for all school and library moneys belonging to his township, or the districts thereof; and on receipt of the moneys to be apportioned to the districts, he shall notify the township clerk of the amount to be apportioned. [C.L. '29, s 7471.]

Sec. 15.735. Reports; annual report; reports as to city libraries. Sec. 11. The township clerk and the board of education of any school district having a library shall give in the annual report of the director or secretary such facts and statistics relative to the library as the superintendent of public instruction may direct and where school officers report to the township clerk they shall include similar information in said report to said clerk. Any city which under the provisions of law is entitled to share in the apportionment of the penal fines shall also be required to make a report in such form and relative to such facts as the superintendent of public instruction may direct. [C.L. '29, s 7658.]

Sec. 15.736. Failure to make report; improper use of moneys; forfeiture.
Sec. 12. In case the township board of any township or the board of education of any school district or the proper authority of any city shall fail to make the reports required by this act, or in case it shall appear that any township, school district, or city has failed to use the library money in strict accordance with the provisions of law, such township, school district, or city shall forfeit its share of the library moneys that might be apportioned for the ensuing year and such money shall be apportioned to the other townships, school districts, and cities in the county, as hereinafter provided. [C.L. '29, s.7659.]

Sec. 15.739 Library books; sale or donation. Sec 15 The district board or board of education of any school district may donate or sell any library book or books belonging to such district to the township board, where there is a township library or to the city libraries in cities, and such books shall thereafter form a part of the township or city library; and such boards are hereby authorized to enter into a contract with any community or body of people outside of the territorial jurisdiction of said board for the use and services of said library whenever the same shall be deemed to be to the best interests of said library and the public. [C.L. '29, s 7662.]

Sec. 15.740. Districts entitled to library money; statement, contents.
Sec. 16 The superintendent of public instruction shall annually and previous to the fifteenth (15th) day of July transmit to the clerk and treasurer of each county a statement of the townships, school districts, and cities in his county that are entitled to receive library moneys, giving the number of children in each case between the ages of five (5) and twenty (20) years, as shall appear from the annual reports of such townships, school districts, and cities for the school year last ending. [As Am. Pub. Act No. 247, 1935.]

Sec. 15.769. Acting as agent or acceptance of award; penalty. Sec. 9. It shall be illegal for any superintendent of public instruction, instructor at teachers' institute, county school commissioner, examiner, school officer, superintendent, principal, or teacher of schools to act as agent for any author, publisher, or seller of school books or school apparatus, or to receive any gift or reward for his influence in recommending the purchase or use of any school books, apparatus, or furniture in the state of Michigan. Any act herein prohibited, if performed by any such school officer, shall be deemed a misdemeanor and he shall be liable to the punishment provided for in this chapter. [As Am. by Pub. Acts 1941, No. 172.]

Sec. 15.738. Fines; application toward support of libraries; construction of section. Sec. 14 The proceeds of all fines for any breach of the penal laws of this state when collected in any county and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines and not already apportioned, shall be apportioned by the county treasurer in accordance with the directions of the superintendent of public instruction as provided in the following section, before the first day of August in each year among the several townships, districts, or cities entitled to the same in the county, which money when received by the proper authorities shall be exclusively applied to the support of libraries and to no other purpose: *Provided*, That in those counties wherein the total unexpended balance of library funds reported for the year ending July 1, 1936, by the several school districts to the state department of public instruction equals or exceeds the sum of \$20,000.00, the county treasurer shall hereafter transfer all moneys hereafter received from penal fines, together with all moneys heretofore collected and not already apportioned, to the county library board, said board having been appointed for the purpose of administering public library service under the provisions of Act No. 249 of the Public Acts of 1931 (county library law) Where an area within such county is adequately served by a public library at the time of this enactment and where this area will not be served by the county library, the county library board shall allocate to the board of trustees of said existing public library the per capita portion, based on school census, of all receipts from penal fines: *Provided further*, That this section shall not be construed as affecting the provisions of Act No. 180 of the Public Acts of 1935. [As Am by Act No. 271, P.A. 1939.]

(12) STATE PRISON LIBRARY

(Michigan Stats. Anno, v 25, 1938, p 596, s.28.1425)

Sec. 28.1425. Prison library. Sec. 56. The library now established at the respective prisons for the use of the convicts shall be maintained, subject to such regulations as the board may approve. [C.L. '29, s.17598.]

(13) TRADE AND LABOR ORGANIZATIONS

(Michigan Stats. Anno., v.15, 1937, p 372, s.21.591)

Sec. 21.591. Libraries; maintenance, regulation. Sec. 11. All societies or associations, organized as aforesaid, shall have the right to keep and maintain libraries, and make all needful by-laws for the good government and regulation of the same [C.L. '29, s 10272]

(14) SECRET SOCIETIES

(Michigan Stats Anno, v 15, p 590, s 21 1558)

Sec. 21.1558. Erection of building; library; governing law. Sec. 8. Any corporation formed under this act may erect and use a suitable edifice of its own design, for its own use, and may maintain a library. Such corporation shall be subject to the provisions of chapter 130 of Howell's annotated statutes of this state, so far as the same may be applicable. [C.L. '29, s 10781]

(15) EDUCATIONAL CORPORATIONS

(Michigan Stats Anno, v 15, 1941 Suppl p 37, s 21 172)

Sec 21.172. Educational corporations; capital paid in; classification. Sec. 171 Every educational corporation, before being authorized to file its articles, shall be required to present a statement to the Michigan corporation and securities commission in writing from the state board of education * * * (3) that it has adequate laboratory, library and other teaching facilities for the carrying on of the program proposed * * * [As Am by Pub. Acts 1939, No 162]

(16) MICHIGAN STATE COLLEGE

(Michigan Stats. Anno, v.11, 1937, p 462, s 15 1135)

Sec. 15.1135. Faculty; control of laboratories and library. Sec. 15. The faculty shall have charge of the laboratories, library and museums of the institution [C.L. '29, s.7869]

(17) COLLEGE OF MINING AND TECHNOLOGY

(Michigan Stats. Anno, v 11, 1937, p 481, s 15 1314)

Sec 15.1314 Board of control; securing of buildings and equipment; faculty, appointment, discharge. Sec. 4. As soon as the means in its hands will permit, without incurring indebtedness, said board shall proceed to obtain a suitable location, and lease or erect such buildings, and procure such furniture, apparatus, library, and implements, as may be necessary for the successful operation of said school * * * [C L '29, s 7924]

(18) ANTICIPATION OF TAXES

(Michigan Stats. Anno, v 6, 1941 Suppl p 173-176, s 7 821, 7 821 (1), 7 827.)

(19) RETIREMENT OF LIBRARIANS

(Michigan Stats Anno, v 11, 1941 Suppl p 64-73, 77, 78, 81, 82, 83-97, s 15 891[1], 15 891, [4]-15.891 [11½], 15 891 [12]-15 891 [15], 15 891 [28], 15 891 [31½], 15 891, [37½], 15 891, [41], 15.892 [1]-15.892 [45].)

(20) REVISION OF MUNICIPAL BUDGETS

(Michigan Stats. Anno., v 4, 1936, p.730-731, s 5.3231-5.3232.)

Sec. 5.3231. Definitions. The following definitions shall apply to the terms used in this act:

- (a) "Municipality" shall mean any county, township, village, city, school district or library district in this state
- (b) "Governing body" shall mean the board of supervisors of a county; the township board of a township; the board of trustees, council or commission of a village; the council or commission of a city, the board of education or board of library commissioners of any school or library district.
- (c) "Budget" shall mean the budget provided for any such municipality under any law of the state of Michigan or charter or ordinance of any municipality as herein defined
- (d) "Fiscal year" shall mean the fiscal year established by any law, ordinance or charter of any such municipality. [Public Acts 1933, No 140.]

Sec. 5 3232 Revision of municipal budgets for deduction of debt service. Sec 2 Any municipality, which by mutual agreement with creditors has provided for the refunding of any part or all its funded indebtedness, or the interest thereon, or any part thereof pursuant to act number thirteen (13) of the public acts of the first extra session of nineteen hundred thirty-two (1932), as amended, or act number two hundred seventy-three, (273) of the public acts of nineteen hundred twenty-five (1925), as amended, and which has heretofore adopted or may hereafter adopt its budget and provided a tax levy for any fiscal year with serial or sinking fund maturities, interest maturities or other evidences of indebtedness included as required by law, may by a two-thirds ($\frac{2}{3}$) vote of the members-elect of its legislative body reopen and revise its budget for the purpose only of deducting from the budget and tax levy all that part of serial, sinking and interest fund maturities or other evidences agreed to be refunded as above provided [Public Acts 1933, No. 140.]

MINNESOTA

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A. STATE LIBRARY

(Mason's Minnesota Statutes, 1927, v 1, p 36, s 141-145)

Sec. 141 Justices to govern library. The state library, as now constituted, with all future additions thereto, shall be maintained in the capitol under the supervision of the justices of the supreme court. They shall direct such purchases of books, pamphlets, and documents therefor, and such sales and exchanges therefrom, as they may deem best. They shall also adopt rules for the government of the library and the management of its affairs, and prescribe penalties for their violation, which rules shall be conspicuously posted in the library rooms [78] [130]

Sec. 142. Librarian. The official term of the state librarian appointed by the governor shall be two years and until his successor qualifies. He shall give bond to the state in at least two thousand dollars, to be approved by the governor, conditioned for the faithful performance of his official duties. He may appoint an assistant librarian to serve during his term, who shall perform his duties when he is absent or disabled, but such appointment shall not take effect until approved by the justices. He may also employ, from time to time, with the approval of the justices, such clerical and other assistants as may be necessary, and for whose compensation provision shall have been made by law. [79] [131]

Sec. 143. Duties. The librarian shall have charge of the library rooms and property, and attend, under the direction of the justices, to all purchases, exchanges, and sales; and the public printer shall forward such public documents of the state as the librarian may desire to send to designated institutions and officials of other states for purposes of exchange. He shall obey and enforce the rules prescribed for the government of the library and its affairs, and collect, by action in his name, if necessary, all damages from injury to or retention of library property, and all fines imposed for violation of the rules. [80] [132]

Sec. 144. Records. He shall keep a detailed chronological record of all purchases, exchanges, and sales, and of all additions to the library by gift, purchase, or exchange, respectively; also a like account of all amounts collected as damages, fines, or from other sources, and of all expenditures made. Such records and accounts shall be open to public inspection, and be transferred to his successor. All moneys collected shall be paid into the treasury, and added to the library appropriation for the current year. [81] [133]

Sec. 145. Public documents. All official publications of the United States, and of other states and countries, which are received for the use of this state by any officer thereof, shall be deposited in the state library forthwith; and two copies of each official book or pamphlet issued by the state shall be preserved therein. [82] [134]

B. MINNESOTA HISTORICAL SOCIETY

(Mason's Minnesota Statutes, 1927, v.2, p 1605, s 8008-1, 8008-2.)

Sec. 8008-1. Custodianship of records, etc., by Minnesota Historical Society; copies as evidence. The Minnesota Historical Society is hereby authorized to receive and is made the custodian of such records, files, documents, books, and papers as may be turned over to it from any of the public offices of the state, including state, county, city, village and township offices. It shall provide for their preservation, classification, arranging, and indexing, so that they may be made available for the use of the public. Copies of all such papers, documents, files, and records, when made out and certified to by the superintendent of said society, shall be admitted as evidence in all courts, with the same effect as if certified to by the original custodian thereof.

Sec. 8008-2. Same; records, etc.; how transferred to society. Any public official is hereby authorized, upon the conditions hereinafter provided, to turn over to the said society, such records, files, documents, books, and papers in his custody as are not in current use whenever said society is prepared to receive and care for them; provided, however, that said society shall present to such official a petition or application in which such records, files, documents, books or papers shall be described in terms sufficient to identify the same, and which said petition shall be approved by the gov-

error, in case of a state officer, the board of county commissioners, in case of a county officer, and by the governing body of any city, village or town in case of a city, village or town officer, and which said application shall be filed in the office from which such records, files, documents, books or papers have been turned over to said society; provided, also, that this act shall not repeal or annul the provisions of section 134 of the General Statutes of 1913.

C. LIBRARY DIVISION, DEPARTMENT OF EDUCATION

(Mason's Minnesota Statutes, 1927, v 1, p 703, 1169, s 2963, 5658-5660)

Sec. 2963. Functions, powers and duties. All the functions, powers and duties which are now by law vested in, or by law exercised by, the state superintendent of education and his appointees, the state high school board and its appointees, and the state library commission and its appointees, shall be and the same are hereby vested in, and shall be exercised by the state board of education according to the provisions of this act. The said state board of education shall administer all laws relating to state superintendent of public schools, libraries and other public educational institutions, except such laws as may relate to the state university and to the state normal schools * * *

In order that the provision of this act may be carried out, the state high school board, the state library commission and the office of the state superintendent of education shall terminate July 31st, 1919 [19 C 334 s 6]

Sec. 5658 Purchase of books; office. The commission may purchase collections of books, to be the property of the state, and used as a state circulating library, from which any town, village, or community may borrow under prescribed regulations. It shall divide such books into groups, to be known as traveling libraries, catalog and prepare them for circulation, and make rules for the conduct of its business, such as shall insure the care, preservation, and safe return of all books loaned. Suitable rooms shall be provided in the capitol for its use [2252] [4913]

Sec. 5659. To advise libraries, etc. Said commission, without charge, shall give advice and instruction to the managers of any public library, and to the trustees or agents of any village, town, or community entitled to borrow from said collections, upon any matter pertaining to the organization, maintenance, or administration of libraries. It shall assist, by counsel, and encouragement, in the formation of libraries where none exist, and may send its members to aid in organizing the same, or in improving those already established. [2253] [4914]

Sec. 5660 Statistics, reports, disbursements. The commission shall keep statistics of the free public libraries of the state, and a record of the work done and the books loaned by it, and report the same to each regular session of the legislature with a statement of its expenditures, the use made of the traveling libraries, and such other matter as it deems proper. Upon presentation of itemized vouchers, approved by at least three mem-

bers of the commission the state auditor shall issue his warrants for all proper expenditures hereunder. [2254] [4915]

D. DISTRIBUTION OF PUBLIC DOCUMENTS

(Mason's Minnesota Statutes, 1927, v 1, p 1173, s.5680; *Ibid* 1940 Suppl., p 65, s.150.)

5680. Twenty-five thousand copies of said manual (legislative) shall be printed and distributed as follows:

* * * * *

3 Three to the state library.

4 Two to each of the following: The library of congress, the Minnesota soldiers' home, the state normal schools, the state high schools, the public academies, seminaries, and colleges of the state, and the free public libraries thereof * * * [G S. '13, s 4941, amended '15 c 72, s 1.]

150 **Printing and binding reports of decisions; contracts by commissioner of purchases; purchase and distribution of volumes by state:** The reports of such decisions (supreme court) shall be printed and bound in style and quality to be approved by the court, shall contain at least six hundred pages of four and one-half inches in width, and shall be equal in quality of paper and binding to the best of those heretofore published

The Commissioner of Purchases, pursuant to provisions of Chapter 426, General Laws 1925 (s 53-101) under appropriate specifications to be approved by the court, from time to time and for designated periods not exceeding ten years, shall enter into a contract, in form and manner approved by the court, for the continued publication of such bound volumes, with suitable provisions requiring the publisher at all times to keep the published volumes on sale at a designated place within the state at a specified maximum price per volume, and specifying the number of such volumes to be sold and delivered to the state for distribution as herein directed. The volumes purchased by the state under the provisions of such contract shall be delivered to the secretary of state and shall be distributed as follows:

* * * * *

5. One hundred to the State University, to be used in exchanges or otherwise for the benefit of its law library

6 To the state library, as many as the court shall certify to be necessary for the use of the library and for exchanges with other law libraries. [As Am Mar 23, 1937, c.81, s 1.]

E. COUNTY LIBRARIES

(Mason's Minnesota Statutes, 1927, v 1, p.138, s.673)

Sec 673 **Free county libraries.** (1) The board of county commissioners of any county in this state is hereby authorized to establish and maintain, at the county seat of any such county, or any other city to be deter-

mined by said board of county commissioners, a public library for the free use of all residents of the county, and may levy a tax not to exceed one mill on the dollar of all the taxable property outside of any city or village wherein a free public library is located, or which is already taxed for the support of any such library, the proceeds of which tax shall be known as the county library fund.

(2) If such county library be not otherwise established, the board of county commissioners, upon the petition of 100 freeholders of the county, shall submit the question of such establishment to the voters at the next county election. If a majority of the votes cast on such question be in the affirmative, the board of county commissioners shall establish the library, and levy a yearly tax for its support, within the limits fixed by section 1.

(3) If there is a free public library in the county, the board of county commissioners shall contract with the board of directors of such library, upon such terms and conditions as may be agreed upon between such boards, for the use of such library by all residents of the county, and may place under the supervision of the said library board the county library fund, hereinbefore provided for, to be spent by said board for the extension of the free use of said library to all residents of the county. Provided, also, that when there is more than one such free public library in the county the board of county commissioners may contract with one or all of such library boards for such free service if in its judgment advisable.

(4) If there is no free library in such county available for use as a central library of the county system, the board of county commissioners shall appoint a board of five directors; of said directors first appointed, two shall hold office for three years, two for two years, and one for one year, from the third Saturday of July following their appointment, the term of office being specified by the appointing power, and annually thereafter the board of county commissioners shall appoint one or two directors for the term of three years and until their successors qualify. The powers and duties of such board of directors shall be the same as those of a board of directors of any free public library in a city or village, and be governed by the provisions of sections 4918-4924 of chapter 33 of the General Statutes of Minnesota 1913 [19 c.445.]

F. MUNICIPAL LIBRARIES

(Mason's Minnesota Statutes, 1927, v 1, p.241, 288, 315, 316, 470, 1169, 1170, s 1186 [14], 1450, 1942 [1] [4], 1591, 1592, 1592-5, 1592-6, 1592-7, 5661-5669; *Ibid* v 2, p 1618, s.8090; *Ibid*. 1940 Suppl., p 1038, s 5669-1, 5669-2.)

Sec 1186. **Council; powers; ordinances.** The village council shall be composed of five members, of whom three shall be a quorum, and shall have power to adopt, amend, or repeal all such ordinances, rules, and by-laws as it shall deem expedient for the following purposes:

(14) **Libraries.** To establish and maintain public libraries and reading

rooms, purchase books and periodicals therefor, and make needful rules for the safekeeping and handling of the same.

Sec 1450. Powers of purchasing department. Each and every city of the first class in the state of Minnesota, not having or operating under a home-rule charter adopted pursuant to section 36 of article 4 of the constitution of the state of Minnesota, in addition to all the rights and powers heretofore granted thereto by law, is hereby authorized * * * to establish and maintain a purchasing department as a branch of the city government, which department shall have full charge of the purchase by the city and the several boards of the city of all supplies and materials required for the use of the city and the several departments and boards of the city, including the * * * library board, excepting from the provisions of this act the purchase of books, periodicals, pamphlets, works of art and other like supplies for the library board and art museum of the city * * * [11 c 201 s.1, amended '15 c.234.] [1464]

Sec 1942 Bonds for what purpose. When the governing body of any municipality shall have resolved that it is expedient to borrow money, for one or more of the purposes hereinafter named, and to an amount which will not increase its net indebtedness beyond the limit fixed by law, and a proposal so to do, if required by law, shall have been duly submitted to and approved by the voters thereof, the bonds of such corporation may be issued and sold, conformably to the provisions of this chapter, to the amount so authorized, as follows:

1. In the case of a city, village or borough, * * * for establishing and maintaining * * * libraries, museums, and art galleries, * * *.

4. In the case of school districts, whether lying within a city or village or not, for the purchase of sites for school houses, and for defraying the expenses incurred or to be incurred in building, rebuilding, remodeling, repairing and furnishing school houses, teacherages and school garages, and installing heating, ventilating and plumbing plants in the same, and equipping schools with libraries, * * *.

Sec. 1591. Library board may extend privileges to counties and villages. Any public library board in any city of this state having a population of fifty thousand inhabitants or over, whether such board was created by and under the General Laws or by special act of the legislature, may enter into arrangement with the authorities of the county within which it is located, or with the authorities of any adjoining county, or with the authorities of any village within any such county, whereby the inhabitants of any such county, counties or villages, may secure the privileges of using the library and museums of any such library board, and the authorities of any such county, counties or villages are hereby authorized to defray the expenses any such arrangement may involve. ['07 c.289, s.1.] [1619]

Sec. 1592. One mill tax for library board. There may be annually levied by, or for the benefit of any public library board in any city of this

state, having a population of fifty thousand inhabitants or over, whether such board was created by and under the General Laws or by special act of the legislature, a tax of not to exceed one mill upon each dollar of the property in such city, as the value of such property has been assessed and determined for the purposes of general taxation. ['07 c.289, s.2.] [1620]

Sec. 1592-5 Gifts, devises, etc., in trust for free medical dispensaries and free public libraries. That any city in the state of Minnesota now or hereafter having a population of over fifty thousand inhabitants, shall, in addition to all other powers now possessed by it, have, and it is hereby given, power and authority to accept in trust, gifts, devises and bequest of money or property, whether the same be donated, devised or bequeathed prior or subsequent to the passage of this act, for the purpose of founding, establishing and maintaining free medical dispensaries for the benefit of the poor of any such city or of the county in which any such city is situated, and for the purpose of founding, establishing and maintaining free public libraries for the use and benefit of the inhabitants of any such city or of the county in which any such city is situated ['13, c.232, s.1.] [1621]

Sec 1592-6 Same; administration of trust; designation of trustees. Any such city is hereby authorized and empowered to administer any gift, devise or bequest to it in trust for the purposes aforesaid, by such officials, officers or trustees as the donor or testator may designate for that purpose in the will or instrument creating the trust, and in accordance with the terms of such will or instrument, and any officers or officials of any such city or of any county in which any such city is situated, as may be designated to administer any such trust by any will or other instrument creating the trust in any such municipality for either of the purposes aforesaid, are hereby empowered to administer, and are hereby charged with the duty of administering, such trust in accordance with the terms of the will or instrument creating the same ['13, c.232, s.2] 1622]

Sec 1592-7. Same; cities to which law applies. This act shall apply to cities having a population of over fifty thousand inhabitants now or hereafter operating under a home rule charter adopted pursuant to section 36, article 4 of the constitution of the state of Minnesota. ['13, s.232, s.3.] [1623]

Sec 5661 Establishment and maintenance; tax. The governing body of any city or village may establish and maintain a public library and reading room or either of them for the use of its inhabitants, and by ordinance may set apart for the benefit thereof real estate or other public property of the municipality. In villages and cities of the second, third and fourth classes, it may levy an annual tax of not more than three mills, and in cities of the first class of not more than one mill, on the dollar, of all taxable property therein, the proceeds of which tax shall be known as the library fund [R L. s.2255, Amended '13, c.509, s.1.] [4916]

Sec. 5662. When established by vote; existing libraries. If such library

or reading room be not otherwise established, the governing body of the municipality, upon the petition of fifty free-holders thereof, shall submit the question of such establishment to the voters at the next municipal election. If two-thirds of the votes cast on said question be in the affirmative, the governing body shall establish the library or reading room, and levy a yearly tax for its support, within the limits fixed by section 5661. All public libraries and reading rooms heretofore established and now existing in cities or villages are continued, and all ordinances setting apart public property for their support are hereby confirmed. Nothing in this chapter shall be construed as abridging any power or duty in respect to libraries conferred by any city or village charter [2256] [4912]

Sec. 5663 Directors; term; removal. When any such library or reading room is established, the mayor of the city or president of the village, with the approval of the council, shall appoint a board of nine directors, but not more than one of whom shall at any time be a member of such governing body. One-third of the members shall hold office for one year, one-third for two years, and one-third for three years from the third Saturday of July following their appointment, the term of office of each being specified by the appointing power, and annually thereafter such mayor or president shall appoint three directors for the term of three years and until their successors qualify. Such mayor or president, by and with the consent of the council, may remove any director for misconduct or neglect. [2257] [4918]

Sec. 5664 Vacancies; compensation. Vacancies in the board of directors shall be reported to the council, and filled by like appointment for the unexpired term. Directors shall receive no compensation for their services as such [2258] [4919]

Sec. 5665 Organization of board; rules, etc. Immediately after appointment, such board shall organize by electing one of its number as president and one as secretary, and from time to time it may appoint such other officers and employees as it deems necessary. The secretary, before entering upon his duties, shall give bond to the municipality in an amount fixed by the directors, conditioned for the faithful discharge of his official duties. The board shall adopt such by-laws and regulations for the government of the library and reading room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. But all moneys received for such library shall be paid into the city or village treasury, be credited to the library fund, be kept separate from other moneys of the municipality, and be paid out only upon itemized vouchers approved by the board. The board may lease rooms for library use, fix the compensation of employees, and remove any of them at pleasure. With the approval of

the council, the board may purchase grounds and erect a library building thereon. [2259] [4920]

Sec. 5666. Non-residents; contract to loan books; tax. Any board of directors may admit to the benefits of its library persons not residing within the municipality, under such regulations, and upon such conditions as to payment and security, as it shall by rule prescribe. Said board may also contract with the board of county commissioners of the county in which the library is situated or of adjacent counties, or with the village trustees or governing body of any neighboring town, city or village to loan books of said library, either singly or in traveling libraries, to the residents of said county, town, city or village, upon such terms as shall be agreed upon in such contract.

All such board or officers shall have the power to contract with the board of directors of any free public library for the use of said library by the people of the county, town, city or village not having the use of a free library, upon the same terms and conditions as those granted to residents in the city or village where the library is located, and to pay such library board such an amount annually as may be agreed upon therefor, and such county, town, city or village board may establish a library fund by levying an annual tax of not over one mill on the dollar of all taxable property outside of any city or village wherein a free public library is located or which is already taxed for the support of any such library [R.L. s 2260, Amended '05, c 257, '13, 509, s 2] [4921]

Sec. 5667. Directors now in office; report. The directors of any such library or reading room in office under existing laws shall so continue until the expiration of their terms, but their successors shall be appointed and vacancies filled under the provisions of this chapter. At the first regular meeting of the board following the third Saturday of July in each year, the board shall report to the governing body of the municipality all amounts received during the preceding year, and the sources thereof, the amounts expended, and for what purposes, the number of books on hand, the number purchased and loaned, and such other information as it deems advisable. A copy of such report shall be filed with the state library commission. But nothing in this section shall apply to libraries in cities of the first class [R.L. 2261, Amended, '11, c 181, s 1] [4922]

Sec 5668 Title to property; free use. All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, any municipality for a library or reading room shall vest in, and be held in the name of, such municipality, and any conveyance, grant, donation, devise, bequest, or gift made to or in the name of any public library or library board shall be deemed to have been made directly to such municipality. Every library and reading room established under this chapter shall be forever free to the use of the inhabitants of the municipality, subject to such reasonable regulations as the directors may adopt [2262] [4923]

Sec. 5669. Gifts, etc.; contracts. With the consent of the governing body of any city or village, expressed by ordinance or resolution, and within the limitations of this chapter as to the rate of taxation, the library board may accept any gift, grant, devise, or bequest made or offered by any person for library purposes, or for the establishment, enlargement, or maintenance of an art gallery or museum in connection with its library, and may carry out the conditions of such donation. And the municipality in all such cases is authorized to acquire a site, levy a tax, and pledge itself by ordinance or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted. All ordinances adopted in reference to such donations prior to the taking effect of the Revised Laws are hereby legalized and confirmed [2263] [4924]

Sec. 5669-1 Certain villages and towns to establish portable and circulating libraries. The Board of Supervisors of any organized town containing 5 or more government townships, and having a total population including villages therein which are not separated from the town for election and assessment purposes, of 15,000 inhabitants, may establish and maintain a portable circulating library for the education, benefit and welfare of the people of such town

For this purpose the board may purchase and equip a motor vehicle and may furnish a driver, a librarian, and such further clerical assistance as it shall deem reasonably necessary for the maintenance of such library, and the library board of such village is hereby authorized to cooperate with the town in the maintenance thereof, and to loan books and periodicals to the town on such terms as it shall prescribe

All expenditures made for the purpose of this Act shall be within and not above the limitations now prescribed by law for the general fund of such town [Act Apr 8, 1933, c 176, s 1]

Sec 5669-2 Expenditures legalized. Expenditures heretofore made by the town board of any such town for the purposes authorized by this act are hereby validated and legalized [Act Apr. 8, 1933, c.176, s 2]

Sec. 8090 Purposes of express trusts; duration. * * * Any city or village may receive, by grant, gift, devise, or bequest, and take charge of, invest, and administer, free from taxation, in accordance with the terms of the trust, real or personal property, or both, for the benefit of any public library, or any public cemetery, or any public park, located in, or within ten miles of, such city or village, or for the purpose of establishing or maintaining a kindergarten or other school or institution of learning therein [1925, c.133.]

G. SCHOOL LIBRARIES

(1) GENERAL PROVISIONS

(Mason's Minnesota Statutes, v 1, p 677, 709, s 2800, 3015-3016, 3018-3020,

Ibid 1940 Suppl, p 700, 702, s 3017, 3028 [51].)

Sec 2800. Additional powers of meetings in common school districts.

In addition to the foregoing powers, any common school district at its annual meeting, or at a special meeting when proper notice has been given, may vote a sufficient fund for maintenance of its schools and for all other proper purposes, appoint a librarian, and make rules for the use and management of the library, and direct the school board [1309] [2716]

Sec. 3015 Schools may provide libraries; maintenance. Every school district may provide library facilities as part of its school equipment, according to the standards of the State Board of Education. ['21 c 397, s.1.]

Sec 3016 School board to vote funds. The school board of any school district may vote sufficient funds for the maintenance of the school library, appoint a librarian, and make rules for the use and management of the library ['21, c397, s.2.]

Sec 3017 Tax levy for library purposes. In cities and villages of less than two thousand people, not levying a tax for public library purposes, the school board may maintain a public library for the use of all residents of the district, and provide ample and suitable rooms for its use in the school building and in any independent school district embracing any such village, where a library building has been erected with funds donated for library purposes the school district may levy an annual tax of not more than three mills, the proceeds of which tax shall be used for the support and maintenance of said library and shall be known as the library fund

Upon a library being so established in any such school district whose library building has been erected with funds acquired by gift or donation, the school board is empowered to appoint a library board of nine members of which each member of the school board shall be a member ex officio

In any such school district by gift or donation, the school board is empowered to appoint a library board of nine members of which each member of the school board shall be a member ex officio. The remaining members of such library board shall be appointed by the school board, one of which remaining members shall hold office for one year, one for two years and one for three years, from the first Saturday of September following their appointment, the term of office of each being specified in such appointment; annually thereafter such school board shall appoint a member of the library board for the term of three years and until his successor shall qualify. Such school board may remove any member so appointed for misconduct or neglect. Vacancies in such board shall be filled by appointment for the unexpired term. Members of such board shall receive no compensation for their services as such

Immediately after appointment such board shall organize by electing one of its members as president and one as secretary and from time to time it may appoint such other officers and employees as it deems necessary. The secretary before entering upon his duties shall give bond to the school district in an amount fixed by the library board conditioned for the faithful discharge of his official duties. The library board shall adopt such by-laws

and regulations for the government of the library and reading room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditures of all money collected for or placed to the credit of the library funds, and of the rooms and buildings provided for library purposes. All moneys received for such library fund shall be kept in the treasury of the school district credited to the library fund and be paid out only upon itemized vouchers approved by the library board. The library board may fix the compensation of employees and remove any of them at pleasure

All books or other property given, granted, conveyed, donated, devised or bequeathed to or purchased by such library shall vest in and be held in the name of such school district. Every library and reading room established hereunder shall be free to the use of the inhabitants of the school district, subject to such reasonable regulations as the directors may adopt.

When so established no such library shall be abandoned without a 2-3 majority vote of the electors cast at any annual or special school meeting called for the purpose

When so established, in cases where the building has been erected with funds so donated, no such library shall be abandoned without a 2-3 majority vote of the electors cast at any annual or special school meeting called for the purpose. ['21, c 397, s 3 Apr 16, 1929, c.210]

Sec. 3018 State department of education to furnish list of books. The State Department of Education shall from time to time prepare and amend a list of books suitable for school libraries, including dictionaries and other books of reference, histories and works of biography, literature, political economy, agriculture, travel and science. ['21, c 397, s.4]

Sec. 3019. State to pay one-half. Upon receiving from any district a certified statement, approved by the county superintendent showing the purchase of books specified and included in the list prepared under the foregoing section, the appointment of a librarian for each library and the making of proper provisions for the care thereof, and for the free circulation of books suitable for circulation, the state commission of education shall furnish such district a requisition on the state auditor for one-half the purchase price, within the limitations of section 7 of the Laws of 1921 relating to state aid to public schools. ['21, c 397, s.5.]

Sec. 3020. School and village libraries may combine. Any school board may contract with the board of any approved county, city or village library to become a branch of said public library and to receive therefrom library books suited to the needs of the pupils in the school, and for the community, according to the standards established in the rules of the State Board of Education. In the event of such contract between the school board and the public library board, such school board may place in the public library such books belonging to the school library as may be more useful in the public library for students and the community, and such school board shall

annually pay to such library board, the school library book fund and the state library aid to which such school district is entitled. All books purchased by such public library from funds provided by the school district or state school library aid shall be selected from the state list for school libraries.

In the event of the making of such contract, a librarian shall be employed who meets the standards of the State Board of Education and the school board and library board may jointly employ such librarian who may spend her time partly in the school and partly in the library ['21, c.397, s.6]

Sec 3028. (5) Any school district or unorganized territory may receive aid for the purchase of library books not to exceed one-half the amount expended or fifty cents (\$.50) per pupil in average daily attendance during the preceding year for five hundred (500) pupils, nor to exceed one-fourth the amount expended or twenty-five cents (\$.25) per additional pupil in average daily attendance during the preceding year in such school district or unorganized territory [L '35, ch 288, s 2]

(2) CERTIFICATION OF SCHOOL LIBRARIAN

(Mason's Minnesota Statutes, 1940 Suppl p 685, s 2900-6 [b])

Sec. 2900-6, (b) **The High School Standard Special Certificate** shall qualify any person to teach in the special fields of Agriculture, Home Training, Industrial Arts, Commercial Subjects, Physical Education, Music or Fine Arts, or such other special field as the needs of the schools may, from time to time, require *and to act as school librarian*. It shall show in which one or ones of the special fields aforesaid the holder is authorized to teach and shall qualify him to teach in such special fields in any high school or elementary school. Such certificate may also indicate other high school subjects in which the holder has had training equivalent to that required in the academic field and shall qualify him to teach the same. Such certificates shall be issued to any person holding the degree of the College of Education of the University of Minnesota or of a Minnesota State Teachers College, granted by virtue of the completion of its course in the special field as to which he applies for a certificate to teach.

The High School Standard Special Certificate may be issued to any person holding the degree of a liberal arts college of this state, accredited and approved by the State Board of Education, granted by virtue of the completion of its course for the training of high school teachers in the special field as to which he applies for certificate to teach, provided that the course leading to such degree shall meet the requirements of the State Board of Education in such field.

The High School Standard Special Certificate may be issued to any person holding a diploma or degree of a technical training institution of this state, granted by virtue of the completion of a course therein which said board shall find to be substantially equivalent, with respect to such

special subject or subjects, to the course of said College of Education for training of teachers therein, provided that such institution shall be accredited and approved by said board.

Provided that the State Board of Education shall have authority to issue special certificates to vocational teachers who present such qualifications of training and experience as meet the requirements of the Federal Board of Vocational Education or the special needs of the several vocational fields. [As amended by Laws of 1929, Chapter 388 as amended by Laws of 1935, Chapter 330]

H. COUNTY LAW LIBRARIES

(1) COUNTIES WITH POPULATIONS EXCEEDING 200,000

(Mason's Minnesota Statutes, 1940 Suppl. p 1039, s 5670)

Sec. 5670 Law libraries. In counties having a population of two hundred thousand or more, the district court may authorize and require the county board, or other body in charge of the courthouse, to provide rooms therein for the uses of a law library, whenever the owner of any such library shall offer to furnish and maintain the same for a term of at least ten years, and to give the free use thereof, under proper regulations, to all the judges of the district, municipal, and probate court of the county, and to all city and county officials having offices at the county seat. Upon petition therefor being filed with the clerk, setting forth a proposal and plan for the furnishing of such library, and the reasons for accepting the same, the court shall fix a time for hearing thereon, and direct that a copy of its order, and of said petition, be served upon the county attorney, and upon the attorney of the city constituting the county seat, at least eight days before the date so fixed. Such attorneys shall appear and oppose such petition, if they or either of them believe that the public interests would not be subserved by granting the same. The court shall hear all parties appearing, and inquire as to the character of the library offered, and as to the ability of its owner to carry out the terms of the offer made and to meet the conditions proper to be imposed. If satisfied that such library should be installed, the court shall make an order therefor, prescribing the duties of the owner in respect thereto, directing that suitable rooms be provided in the courthouse for its accommodation, with necessary light, heat, and janitor service, and requiring the county board and city council to appropriate annually, until the further order of the court, not less than twelve hundred dollars nor more than seventeen hundred fifty dollars for the salary of a librarian and other necessary expense of caring for such library, which sum shall be apportioned, by the order, between such city and county. The owner shall retain the title and management of the library, appoint the librarian thereof, and make rules and regulations for its use; but no such rules shall restrict the access of public officials thereto, unless the same are approved by a judge of the district court. The library shall be maintained by the owner

in reasonable repair and efficiency, and upon his failure so to do the court may cancel any or all orders made hereunder, and require the library to be removed. The several officials of the city and county shall take all necessary steps for carrying out the provisions of this section, and all orders of the court made thereunder. [Acts Apr. 24, 1933, c.327.]

(2) COUNTIES EXCEEDING 475,000 (HENNEPIN Co.)

(Mason's Minnesota Statutes, 1940 Suppl. p 1039-1040, s 5670-2 to 5670-2o)

Sec 5670-2 Law libraries in certain counties. In each county now or hereafter having more than 475,000 inhabitants there may be established a county law library [Acts Apr 17, 1933, c 291, s 1.]

Sec. 5670-2a. To be public libraries. The use of such county law library shall be free to the judges of the state, to state officials, to all the judges of the district, municipal, and probate courts of the county, to all the city and county officials, to the members of the bar, and to the inhabitants of the county, under proper regulation [Acts Apr 17, 1933, c.291, s.2.]

Sec. 5670-2b Existing law libraries may be turned over to counties. In each county to which this Act is applicable when any law library association or corporation owning or maintaining a law library at, or convenient to, the courthouse in such county shall give written notice to the judges of the district court in and for such county that it will permit the free use of its library in accordance with the provisions of Section two-(2) of this Act upon the payment to it of the fees herein provided for, and when the certificate of a majority of such judges setting forth the fact that such law library association or corporation will permit such free use of its law library shall be filed in the office of the clerk of such district court, such law library shall become and be a county law library and entitled to receive the fees herein provided [Acts Apr 17, 1933, c 291, s 3]

Sec. 5670-2c Fees in civil actions to be collected for upkeep of library. After the filing of such certificate, it shall be the duty of the clerk to collect in each civil suit, action, or proceeding filed in such court, in the manner in which other fees are collected therein and in addition thereto, as law library fees, the sum of one dollar from the plaintiff or person instituting such suit, action, or proceeding at the time of the filing of the first paper therein and the sum of one dollar from each defendant, respondent, intervenor, or other party who shall appear therein, either separately or jointly, to be collected at the time of the filing of the first paper by such defendant, respondent, intervenor, or other party, or at the time when his or their appearance is entered in the case. Such law library fees shall be costs in the case and taxable as such. [Acts Apr 17, 1933, c 291, s.4.]

Sec. 5670-2d Not to apply to certain actions. The provisions of Section four (4) of this Act shall not apply to actions commenced by the state or any municipality therein, to garnishment proceedings, or to compensation awards [Acts Apr 17, s 1933, c.291, s.5.]

Sec. 5670-2e. Clerk to pay collections to association monthly. On the first day of each month the clerk of the court making such collections shall pay to such law library association or corporation all the law library fees collected for the preceding month, taking its receipt therefor. [Acts Apr. 17, 1933, c.291, s.6]

Sec. 5670-2f. No fees paid in certain cases. So long as such payments are made by the clerk to the law library association or corporation, no cash payments required to be made under the provisions of the General Statutes 1923, Section 5670, as amended by laws 1931, Chapter 327, shall be made to such law library association or corporation. [Acts, Apr. 17, 1933, c.291, s 7]

Sec. 5670-2g. Library association to retain title and management. The law library association or corporation shall retain the title and management of the county law library, appoint the librarian thereof, and make rules and regulations for its use, which may provide that no books shall be removed from the library except by the judges of the district, municipal and probate courts of the county, without the payment of such dues or making such deposit as the law library association or corporation may provide [Acts Apr 17, 1933, c.291, s 8]

Sec 5670-2h. Library association to maintain library. The county law library shall be maintained by the law library association or corporation in a manner satisfactory to a majority of the judges of the district court in and for such county Upon its failure so to do, whenever a certificate of a majority of the judges of the district court in and for such county setting forth the fact that the law library association or corporation has so failed is filed with the clerk of said court, the law library fees herein provided for shall cease, and such law library shall thereafter be subject to such laws for its support as exist at the date of the passage of this Act [Apr. 17, 1933, c 291, s 9]

Sec 5670-2i. To become public library when. When any law library association or corporation owning such a library shall give the written notice provided in Section 3 hereof, said library shall become a public library as provided in Sections 1 and 2 hereof but such public use of said library and the support thereof as herein provided shall cease at the end of one year from the commencement of such arrangement, except in the event hereinafter set out. [Act Apr 17, 1933, c.291, s 10]

Sec 5670-2j. Liquidation of library association. If and when during said one year period at least 95% of the stockholders of such association or corporation shall deposit with the District Court of said County their shares of stock endorsed to said county so that title to 95% of the stock of said association shall be vested in said county, it shall thereupon become the duty of the officers of said corporation to bring an action in the District Court of said County to liquidate said corporation The owners of the remaining stock not endorsed to said county shall be made defendants

and the court upon the hearing of trial of said action shall decree a dissolution of said corporation and shall decree to said stockholders who have not endorsed their stock to said county such portion of the assets of said corporation in kind in proportion as the number of shares owned by such stockholders bears to the whole number of stock outstanding. Such division shall be made by the court or by a referee appointed by the court for that purpose. Upon such division being made all of the personal property of such library association or corporation, except the portion so allotted to said stockholders, shall become the property of said county and said library shall thereafter be owned and maintained by said county in the manner following [Acts Apr 17, 1933, c 291, s 11]

Sec 5670-2k County board may provide for maintenance in certain cases. For the support of said library there shall be allotted the fees prescribed in Section 4 herein and such other amounts as are now provided by law, provided, however, that the board of county commissioners of such county may, in their discretion, provide for the support and maintenance of such county law library out of county funds, and if such provision for such support and maintenance is made the County Commissioners shall certify that fact to the Clerk of the District Court of such county, and thereupon the collection of fees provided for in Section 4 hereof shall cease. [Act Apr. 17, 1933, c 291, s.12.]

Sec 5670-2l Board of law library trustees to manage library. The management of said library shall be under a Board of Law Library Trustees to be chosen for the terms and in the manner following:

Said board shall consist of seven members,

Two district judges of said county to be selected by the District Judges of said county;

One municipal judge to be selected by the Municipal Judges of the principal city in said county,

Three members of the bar to be elected by the members or stockholders of the oldest incorporated bar association in said county,

One member of the Board of County Commissioners to be selected by said County Board annually at its annual election of officer of said Board. [Act Apr 17, 1933, c 291, s 13]

Sec 5670-2m. Term of office. All members of said Trustees except the County Commissioner shall hold office for four years except the first Board, which shall be divided into two classes with three trustees in each class, one class holding office for four years and one class holding office for two years

Immediately after the selection and election of said Trustees they shall be divided into said classes by lot [Act Apr 17, 1933, c.291, s.14.]

Sec 5670-2n. Title of library to be in county. The title to said library shall be in said county and said Board of Trustees may sue and be sued in the name of said county. Said Trustees shall serve without compensation.

The Board shall elect one of their number president and the librarian shall act as secretary. Said Board shall have authority to appoint a librarian and such assistants and clerical help as may be necessary and to fix their compensation [Act Apr. 17, 1933, c 291, s.15]

Sec. 5670-2o Fees to be paid to county treasurer. The Clerk of the District Court of said county shall thereafter pay all the library fees collected by him, pursuant to Section four thereof, to the County Treasurer of said County, who is hereby authorized to disburse the same and any other moneys belonging to said library, upon the order of said Trustees to pay the necessary expenses of said library. [Act Apr. 17, 1933, c.291, s.16]

(3) COUNTIES OF 220,000 TO 330,000 POPULATION (RAMSAY Co.)

(Mason's Minnesota Statutes, 1940 Suppl p 1040-1041, s 5670-3 to 5670-3f)

Sec 5670-3 Law library established. In each county now or hereafter having not less than 220,000 and not more than 330,000 inhabitants, there is hereby established a law Library [Act Apr 15, 1935, c 184, s 1]

Sec 5670-3a Who may use. The use of such Law Library shall be free to the Judges of the state, to state officials, to all the Judges of the District, Municipal and Probate Courts of the county, to all the city and county officials, to the members of the bar, and to the inhabitants of the county, under proper regulation [Act Apr 15, 1935, c 184, s 2]

Sec 5670-3b Law library fees. It shall be the duty of the Clerk of the District Court of such county to collect in each civil suit, action or proceeding filed in such Court, in the manner in which other fees are collected therein and in addition thereto, as Law Library fees, the sum of 50 cents from the plaintiff or person instituting such suit, action or proceeding, at the time of the filing of the first paper therein, and the sum of 50 cents from the defendant or other adverse or intervening party, or any one or more of several defendants, or other adverse or intervening parties appearing separately from the others to be collected when his or their appearance is entered in such action or proceeding or when the first paper on his or their part is filed therein, provided that for the period of one year from the passage of this act the fee shall in each case be one dollar instead of 50 cents. Such Law Library fees shall be costs in the case, and taxable as such, and shall be allotted for the support of said library [Act Apr. 15, 1935, c 184, s 3]

Sec. 5670-3c. Limitations. The provisions of Section 3 of this act shall not apply to actions or proceedings commenced by the State or any municipality therein, to garnishment proceedings, to the filing of transcripts, to compensation awards or to complaints in intervention in receivership proceedings. [Act Apr. 15, 1935, c.184, s 4.]

Sec. 5670-3d Fees to be paid to county treasurer. On the first day of each month the Clerk of the Court making collection of such fees shall pay the same to the County Treasurer of said county, taking his receipt there-

for, and said County Treasurer is authorized and directed upon itemized vouchers approved by the Board of Law Library Trustees to disburse the same and any other money belonging to said Board to pay the necessary expenses of equipping and maintaining said Library [Act Apr. 15, 1935, c.184, s.5.]

Sec. 5670-3e. Law library trustees. The management of said Law Library shall be under a Board of Law Library Trustees, who shall serve without compensation, to be chosen for the terms and in the manner following: Said Board shall consist of seven members, namely, two District Judges of said County to be selected by the District Judges thereof; one Municipal Judge to be selected by the Municipal Judges of the principal city in said county; three members of the bar to be elected by the oldest bar association in said county affiliated with the Minnesota State Bar Association in the manner provided in the by-laws of said County Bar Association, one member of the Board of County Commissioners, to be selected by said County Board annually at its annual election of officers of said board, except that the first selection of said County Board shall be made as soon after the establishment of the public Law Library as practicable

All members of said Board of Law Library Trustees except the County Commissioner shall hold office for four years, except the first board, which shall be divided into two classes, with three trustees in each class, one class holding office for four years, and one class holding office for two years. Immediately after the selection and election of said trustees they shall be divided into said classes by lot.

The Board of Law Library Trustees shall elect one of their members president and another member secretary, and the board shall have authority to appoint a librarian and such assistants and clerical help as may be necessary, and to fix their compensation and to provide rules and regulations for the management thereof. [Act Apr 15, 1935, c.184, s 6]

Sec 5670-3f May acquire libraries. The Board of Law Library Trustees in the name of the County may acquire and maintain such library by gift, grant, donation, bequest, purchase, lease or loan, and title to such library shall vest and be in said county. Said Board of Law Library Trustees may sell or exchange such items in said library to such persons and upon such terms as said board may deem best. [Act Apr 15, 1935, c 184, s 7.]

(4) COUNTIES OF 27,000 TO 28,000 POPULATION

(Minnesota Laws 1937, p 201-202, ch 129, s 1-3)

Sec. 1. Purchase of law library by board of county commissioners of certain counties authorized. That the board of county commissioners of any county now having an assessed valuation excluding moneys and credits in excess of \$22,800,000, and having a population of not less than 27,000 or more than 28,000 inhabitants according to the last federal census, and having not less than 90 nor more than 92 full and fractional townships, and not contain-

ing within its limits a city of the first class, and not possessing a county law library, may purchase such books and legal works and publications as will comprise a library for the use of officials of the county, the judges of the district court and other courts and attorneys at law, and the library so acquired shall thereafter be maintained by the county.

Sec. 2. Books to be purchased on approval of judges. No purchase of books shall be made without the approval of a majority of the judges of the district in which the county is situated with respect to the kinds of works to be purchased. A part of the amount which can be so expended may be used for shelving and equipment of the library. The library shall be maintained in the county courthouse or elsewhere in the county seat. The county board may make such regulations as may be necessary or advisable respecting the use of the library.

Sec. 3. Limitations of expenditures. The initial expenditures to be made for such purpose shall not exceed the sum of \$4,000 and the annual cost of the maintenance of the library, including the cost of volumes supplementing sets first purchased, shall not exceed \$500.00. Certificates of indebtedness of the county may be issued by the county board to the persons from whom books for the library may be purchased for the whole or a part of the consideration, which certificates shall be payable on or before ten years from the date of issuance and shall bear annual interest at a rate not exceeding six per cent per annum.

(5) COUNTIES OF 41 TO 43 CONGRESSIONAL DISTRICTS

(Minnesota Laws 1939, p 149-151, ch 96, s 1-8)

Sec. 1. Law libraries in certain counties. In each county in the state having not less than 41 nor more than 43 congressional townships, and having an assessed valuation of not less than seven nor more than eight million dollars, there is hereby established a Law library.

Sec. 2. Who may use law library. The use of such Law Library shall be free to the Judges of the state, to state officials, to all Judges of the District, Municipal and Probate Courts of the county, to all the city and county officials, the members of the Bar, and other inhabitants of the city, under proper regulation.

Sec. 3. County board to furnish quarters. The Board of County Commissioners of the county shall furnish and maintain suitable quarters for the use and housing of said county Law Library.

Sec. 4. Management; District Judges to appoint trustee. The management of said Law Library shall be vested in a board of Law Library trustees, who shall serve without compensation, to be chosen for the terms and in the manner following: Said board shall consist of five members, consisting of one Judge of the District Court of said county to be selected by the District Judges thereof; three members of the Bar to be elected by the

members of the oldest Bar Association of said county, and one member of the Board of County Commissioners to be selected by said County Board; all to be selected as soon after the passage of this act as is practicable.

All members of said Board of Law Library trustees shall hold office for three years except the first board, which shall be divided into two classes, with two trustees holding office for one year and three trustees holding office for two years. Immediately after the selection and election of said trustees they shall be divided into said classes by lot.

The Board of Law Library trustees shall elect one of the members President and another member Secretary, and shall have the authority to at once purchase, or otherwise acquire, such law books as may be reasonably necessary to acquire an adequate law library, the initial cost of which shall, however, not exceed the sum of \$2,000, and upon presentation of sworn itemized vouchers approved by the board of Law Library trustees, the County Treasurer shall pay said initial cost of said Law Library from county funds. The Board of Law Library trustees shall have general power to provide rules and regulations for the management of said Law Library and may maintain said library by gift, grant, donation, bequest, purchase, lease, or loan, and title in such library shall vest and be in said county. The said board of Law Library trustees may sell or exchange such items in said library to such persons and upon such terms as the board may deem best.

Sec. 5 Fees and maintenance. It shall be the duty of the Clerk of District Court of such county to collect in each civil suit, action or proceeding filed in such court, in the manner in which other fees are collected therein, and in addition thereto, as Law Library fees, the sum of \$1 00 from the plaintiff or person instituting such suit, action or proceeding, at the time of filing of the first paper therein; and the sum of \$1 00 from the defendant or other adverse or intervening party, or any one or more of several defendants, or other adverse or intervening parties appearing separately from the others, to be collected when his or their appearance is entered in such action or proceeding, or when the first paper on his or their part is filed therein. Such Law Library fee shall be costs in the case, and taxable as such, and shall be allotted for the support of said library.

Sec. 6 Application of act. This act shall not apply to actions or proceedings commenced by the State or any municipality therein, to garnishment proceedings, to the filing of Transcripts, to compensation awards, or to Complaints in Intervention in receivership proceedings.

Sec. 7. Monies to be paid to County Treasurer. On the first day of each month the Clerk of Court making collection of such fees shall pay the same to the County Treasurer of said county, taking his receipt therefor and said County Treasurer is authorized and directed, upon itemized vouchers approved by the board of Law Library trustees, to disburse the same and any other money belonging to said board to pay the necessary expenses of maintaining and adding to said library.

Sec. 8. Librarian. That the Clerk of the Probate Court shall serve as librarian without any additional compensation.

(6) COUNTIES OF 35,500 TO 50,000

(Minnesota Laws 1939, p 462-465, ch 325, s.1-8.)

Sec. 1. County law libraries to be established in certain counties. A county law library may be established by resolution of the county board in any county now or hereafter having a population of more than 35,500 and less than 50,000 inhabitants and containing not less than 60 full and fractional congressional townships, for the use of the judges of the district, municipal and probate courts, all county and municipal officials, the members of the bar and the inhabitants of the county

Sec. 2. Management. The management of any library so established shall be under a board of three trustees, to be known as the "Board of Trustees, of the County Law Library", the members of which board shall serve without compensation and shall be appointed by the judges of the district, probate and municipal courts in the county. The board shall first meet immediately after its appointment and shall hold its annual meeting thereafter on the first day of the first regular term of the district court in the county in each year, at which first meeting and at each annual meeting thereafter it shall select from its members a president and a secretary, who shall each hold his office until the following annual meeting. When the board is first appointed there shall be appointed one trustee whose term shall extend until the first annual meeting, one trustee whose term shall extend until the second annual meeting, and one trustee whose term shall extend until the third annual meeting of the board after such appointment. Immediately prior to each annual meeting there shall be appointed a trustee whose term shall commence at the annual meeting and extend until the third annual meeting after the annual meeting he takes his office. Vacancies in office shall be filled for the unexpired term

Sec 3 Board of trustees to make by-laws. The board of trustees shall adopt and may from time to time thereafter amend and alter such by-laws, rules and regulations for the conduct of its business, the government of such library and the use thereof as shall be expedient and conformable to law. It may accept on behalf of the county any gift, grant, devise or bequest, or the loan of books or other property for the use or purposes of such library, and carry out the conditions of such donation or loan. It may purchase books or other library facilities upon conditional sales contract, or otherwise, the purchase price therefor to be paid out of the county law library fund. The title to such library and the property thereof, except such books and property as shall be leased or loaned to it, shall vest and be in the county establishing such library. The board of trustees may sell or exchange items of the property of such library which it deems no longer suitable or advantageous for the purposes of such library, upon such terms as it may deem best. It shall,

before the second Monday of January of each year, file with the county auditor a report containing a detailed statement of the receipts and disbursements for the proceeding year and a detailed inventory of the property belonging to such library and the property loaned or leased to it. The county board shall provide suitable rooms in the court house for the use of such library.

Sec. 4. Fees for expenses. In any such county where a law library is so established, it shall be the duty of the clerk of the district court and the duty of the clerk of each municipal court to collect in each civil suit, action or proceeding filed in his court, in the manner in which other fees are collected therein, and in addition thereto, as a county law library fee:

- (a) The sum of \$1.00 from the plaintiff or person instituting such suit, action or proceedings at the time of the filing of the first papers therein, and
- (b) The sum of \$1.00 from the defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, to be collected when his or their appearance is entered in such action or proceeding or when the first paper on his or their part is filed therein.

Such county law library fees shall be costs in the case and taxable as such. Provided, however, that the provisions of this section 4 shall not apply to actions or proceedings commenced by the state, the county or any municipality, to garnishment proceedings, to the filing of transcripts, to compensation awards or to complaints in intervention in receivership proceedings

Sec. 5. Probate judge to collect fees. In any county where a law library is so established it shall be the duty of the judge of probate in each proceeding in his court in the matter of the estate of a deceased person looking to the entry of a decree determining the descent of real estate or of a decree of distribution of such estate, excepting in summary proceedings instituted pursuant to section 125 of the Minnesota probate code, to collect, as a county law library fee, the sum of \$1.00 from the petitioner instituting such proceeding at the time of the filing of the first petition therein. Such disbursement shall be an item of expense of administration of the estate, entitling the petitioner to reimbursement therefor out of the estate

Sec. 6. Costs and disbursements to include library fee. In any such county where a law library is so established and maintained, there shall be included in the costs or disbursements assessed against the defendant convicted in the district court, in a municipal court, or by a justice of the peace, of the violation of any statute or municipal ordinance, in all criminal prosecutions in which, upon conviction, the defendant may now or hereafter be subject to the payment of the costs or disbursements of the prosecution in addition to a fine or other penalty, the sum of \$1.00, as a county law library

fee. Upon the payment of such costs or disbursements it shall be the duty of the clerk of the district court, the clerk of each municipal court, and of each justice of the peace, in whose court such costs or disbursements are collected or paid, to report and remit such library fee at the time and in the manner specified in section 7 of this act. Provided, such item of costs or disbursements may not be assessed for any offense committed prior to the establishment of such county law library, and, provided further, that such item of costs or disbursements may not be assessed in any criminal case where the fine assessed is \$10.00 or less.

Sec. 7. Fees to be allotted to law library. All such county law library fees shall be allotted for the acquisition and maintenance of such law library. The clerk of the district court, the clerk of each municipal court, the judge of probate, and each justice of the peace, making collection of such fees, shall, prior to the fifth day of each month, make and file a report with the county auditor of all actions, proceedings and prosecutions in which such fees shall have been collected in his court during the preceding month, and the amount of such fees so collected, and pay such fees to the county treasurer, taking his receipt therefor. The county treasurer shall place all moneys so paid to him and all other moneys paid to him for the uses, benefit or purposes of such library in the county law library fund, and shall be authorized to disburse such moneys upon the order of the board of trustees, to pay the necessary expenses of acquiring, equipping and maintaining such library.

Sec. 8. Provisions severable. The provisions of this act shall be deemed to be severable and if any provisions of this act shall be held invalid, such invalidity shall not affect the validity of the remaining provisions of this act.

I. PROTECTION OF LIBRARY PROPERTY

(Mason's Minnesota Statutes, 1927, v 2, p 2034, s 10428)

Sec. 10428. Injury to articles in museums. Every person who shall maliciously cut, tear, deface, soil, obliterate, break, or destroy a book, map, chart, picture, engraving, statue, coin, model, apparatus, specimen, or other work of literature, or object of art or curiosity, deposited in a public library, gallery, museum, collection, fair, or exhibition, shall be punished by imprisonment in the state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both. [5138] [8940]

J. COUNTY HISTORICAL SOCIETIES

(Mason's Minnesota Statutes, 1940 Suppl p 1041, s 5670-11 to 5670-13)

Sec. 5670-11. County Board or City Councils may furnish room for Historical Societies. That the county board of any county or the governing body of any municipal corporation, or public library in the State of Minnesota, are hereby authorized and empowered to furnish a room, or

rooms, in the court house of the county, or in the municipal building, or public library, as the case may be, for the use of the historical society of such county, and to furnish light and heat for such room or rooms

Sec. 5670-12 Appropriation. That the county board of any county in the State of Minnesota, having a population of less than twenty-five thousand inhabitants, according to the last United States census, is hereby authorized and empowered to appropriate out of the revenue fund of such county, such sum not exceeding one thousand dollars annually, and in counties where the population is not less than twenty-five thousand inhabitants nor more than seventy-five thousand inhabitants, the county board of such county is hereby authorized to appropriate a sum not exceeding the sum of two thousand dollars annually, and in counties where the population is more than seventy-five thousand inhabitants the county board is hereby authorized to appropriate a sum not exceeding three thousand dollars annually, as it may deem advisable, to be paid to the Historical Society of such counties respectively, to be used for the promotion of historical work within the borders thereof, and for the collection, preservation and publication of historical material, and to disseminate historical information of the county, and in general to defray the expense of carrying on the historical work in such county

Provided, that no county board is authorized to appropriate any funds for the benefit of any county Historical Society unless such society shall be affiliated with and approved by the Minnesota Historical Society.

Sec 5670-13. Application. This act shall not affect any other act relating to historical work, nor apply to any county which is now authorized by law to make appropriations for such work

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A. STATE LIBRARY

(Mississippi Constitution, 1890, s 106, Miss Code, 1930, v 2, p 2282-2285, s 5368-5371, 5373, 5374, 5378, 5380, 5381, 5383, *Ibid.* 1938 Suppl p 1182-1184, 1866, s 1722-1727, 2311, General laws 1940, ch 135)

NOTE—A capital "S" preceding a section number indicates a section from the 1938 Supplement to the Code of 1930. The sections in the supplement are numbered independently, beginning with 1.

Miss Const, Sec 106 **State librarian.** There shall be a state librarian, to be chosen by the legislature, on joint vote of the two houses, to serve four years, whose duties and compensation shall be prescribed by law. Any woman, a resident of the state four years, and who has attained the age of twenty years, shall be eligible to said office.

Sec. 1. **State library board.** Be it enacted by the Legislature of the State of Mississippi, that the state library shall be under the supervision and control of a state library board, consisting of the governor of the state, the chief justice of the supreme court, the presiding justice of the other division of the supreme court, the attorney general of the state, and the state superintendent of education. The governor shall be chairman of the board and in his absence the chief justice shall be acting chairman. Any three or more of the members of the board shall form a quorum for the transaction of business.

Sec. 2 **State librarian.** There shall be a state librarian, to be elected as provided by the constitution, whose term of office shall be four years. He shall, before entering upon the discharge of the duties of his office, take the oath prescribed by section two hundred and sixty-eight of the con-

stitution, and shall give bond with sufficient sureties, payable to the state, to be approved by the governor, in the penalty of five thousand dollars, and with such conditions as the board may prescribe. The bond shall be filed in the office of the secretary of state.

Sec. 3. Hours. The state librarian shall keep the library open for the public, as hereinafter specified, from eight o'clock A.M. until six o'clock P.M. from May 1 to November 1, and from nine o'clock A.M. until five o'clock P.M. during the remainder of the year; and, when the legislature is in session, until the adjournment of each house, except the necessary time for meals.

Sec. 4 Assistant librarian. The state librarian, with the approval of the governor, shall appoint a suitable and competent person to be assistant librarian. Said assistant shall, have and possess all of the qualifications required by law of the state librarian, and shall have power and authority under the direction and supervision of the state librarian, to perform all the duties required of that officer, and shall be liable to all pains and penalties to which the state librarian is liable. The state librarian may discharge such assistant at pleasure and appoint another as aforesaid.

Sec. 5. Duties of librarian. The state librarian shall have charge of and faithfully keep and preserve all the books, maps, charts, astronomical instruments, manuscripts, and all other property of the state pertaining to the state library, or otherwise intrusted to his charge and shall assign and place the same in the proper alcoves and places for convenient access, examination and reference, and note the same in similar order in the catalogue or list, with all new receipts by exchange, purchase, or otherwise.

Sec. 6. The state librarian shall from time to time, under the inspection and approval of the board, make out and keep a catalogue of the books, under the appropriate heads, alphabetically, and as often as the board deems necessary he shall have one hundred copies thereof printed for reference and distribution, and the convenience of persons desiring to examine the books in the library.

Sec. 7 The state librarian shall, under the direction of the board, provide suitable tables, chairs, pens, ink and paper for the use of persons desiring to examine, take notes or copy from the books of the library, and shall attend, to hand them or place on the table, the books required.

Sec. 8. The state librarian shall at all times keep the rooms belonging to the library clean and properly ventilated, and, at the proper season, well warmed, and have them provided with tables, pen, ink, paper, and so arranged for the examination and study of the books in the library that persons can make use of the same without interruption from transient visitors; and shall keep the main library room clean, properly ventilated and warmed.

Sec. 9 The state librarian shall be under the supervision and control of the board herein created.

Sec. 10. Duties of the board. The board shall make all necessary by-laws and regulations for the government of the library, and for the accommodation and arrangement of the books, and concerning the taking of books out of the library, and may prescribe penalties for a violation thereof. A person taking any book from the library and not returning it when required shall be liable to pay double the value of the volume, or, if it be a volume of work consisting of several volumes, then double the value of the whole work. Penalties for a violation of the provisions of this chapter, or of the said by-laws and regulations, may be recovered by action in the name of the state, before any court having jurisdiction and such penalties shall be for the use of the library

Sec. 11. Secretary of board; record of books. The state librarian shall be secretary of the board, and shall keep a record of all its proceedings. He shall keep, and record an alphabetical list of all books purchased or acquired, with the prices of each, and the date of the acquisition; he shall also keep a blank book, in which he shall charge every person entitled to take books from the library with every book taken by him, and shall note therein the return of the same

Sec. 12 Use of books. A book belonging to the state library shall not be taken from the state capitol, except as provided by the board.

Sec. 13 Judges of the supreme court and state officers may take books from the library to the offices in the capitol, for the necessary examination of any subject, and shall return such book immediately after the necessary examination shall have been made.

Sec. 14 Attorneys and solicitors of the supreme court may, on the written order of one of the judges thereof, be allowed, upon giving the proper receipt, to take the books necessary for use in a pending case to the supreme court room

Sec. 15 Members of the legislature may take books for use in either house and in committees, upon signing the proper receipt and engagement to be responsible for the safe return of the same.

Sec. 16. Purchase of books. Under the approval and direction of the board, the state librarian shall expend all appropriations made by the legislature and other moneys belonging to the library in the purchase of such books as the board may order, and, with its approval, upon the warrant of the auditor, draw any moneys from the treasury appropriated or belonging to the library for that purpose.

Sec. 17. Chapter 130, code 1930 and chapter 162, laws of 1938, and all other laws and parts of laws in conflict with this act or any part thereof be and the same are hereby repealed.

Sec. 18. That this act shall take effect and be in force from and after its passage. [General Laws of Mississippi 1940, Ch.135 Senate Bill No. 14.]

S. 1726. Department reports deposited in library. All State officers, departments, commissions and committees, bureaus and boards, issuing

biennial, annual, or special reports of any nature, where such reports are printed, typewritten or mimeographed, shall deposit with the Mississippi State Library, for general reference use in said library at least two (2) copies of each such printed, typewritten or mimeographed reports; such deposits to be made immediately after issuance of same.

The secretary of the senate and the clerk of the house shall, after the adjournment of each session of the legislature, deposit in the State library at least two (2) copies of all special legislative committee reports, when such reports shall have been printed, typewritten or mimeographed [1938 ch 164]

S. 1727. Legislative reference bureau.

1. There is hereby created, as a part of the Mississippi State Library, a legislative reference bureau, for the use of the members of the legislature, the Governor, and the various departments, institutions, and agencies of this State, as well as for a limited service for such citizens of this State, as may desire to avail themselves of its reference facilities

2 The purpose of the said legislative reference bureau shall be .

(a) To assist the legislature of this State in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which come before them, and by providing digests showing the practices of other States and of foreign nations in dealing with similar problems,

(b) To secure information for the legislators of this State by co-operating with the legislative reference services in other States, and with the Interstate Reference Bureau maintained by the American Legislators' Association and by the Council of State Governments,

(c) To furnish to the members of the legislature of this State, copies of the legislation of other States, uniform laws, model bills, text books on the preparation of legislative measures, and such other information and material as may be of value to them in the preparation of bills for introduction into the legislature of this State

3 The legislative reference bureau shall be in charge of the State Librarian, and she shall be the director thereof, and the duties of said director shall in no way interfere with or lessen the duties of the librarian as already prescribed by law

4 The legislative reference bureau shall be maintained out of the funds appropriated biennially to the State Library by the legislature. [1938 ch 163]

Sec. 2311 State and district officers; salaries of. The salaries of the State and district officers and their subordinates are fixed each at the following annual sums, the same to be in full compensation for their services.

* * * * *

13. State Librarian, \$2,400.00; Assistant State Librarian, \$1,500.00.

14 Director Archives and History, \$2,850 00.

* * * * *

The salaries of the State and district officers and their subordinates as provided for in this section shall be paid in monthly installments at the end of each month upon requisition therefor and warrants issued thereunder by the Auditor, unless otherwise provided [1932 ch.132.]

B. STATE LIBRARY COMMISSION

(Mississippi Code Anno, 1930, c 2, p 2286-2287, s 5388-5393, Laws 1940, ch 143, 144 amending s 5391, 5393)

Sec. 5388 State Library Commission created There shall be a commission to be known as the "state library commission" to be composed of five persons, resident citizens of this state, two of whom shall be appointed by the governor and three of whom shall be members ex-officio as follows. The state librarian, the president of the State Federation of Women's Clubs and the president of the State Library Association [1926, ch.180]

Sec. 5389 Term of office of commissioners. The members appointed by the governor shall be appointed for a term of five years and all subsequent appointments shall be for terms of five years, except appointments to fill vacancies which shall be made by the governor for the unexpired terms. The members shall serve without pay, but shall be allowed actual expenses when attending meetings of the commission Such commission shall elect annually a chairman from among its number [*Ibid*]

Sec 5390 Secretary to be elected; qualifications. The commission shall elect annually a secretary who shall be chosen outside the membership of the commission and only persons experienced in modern methods of library work shall be elected as secretary The secretary shall keep a record of the proceedings of the commission, and accurate accounts of its financial transactions, shall have charge of its work in organizing new libraries, and have all general administrative duties incident to carrying on the work of the commission The secretary shall be paid a salary and allowed actual traveling expenses while absent from his office in the service of the commission, the same to be certified and paid in the same manner as other expenses incurred by the commission In addition to the secretary, the commission may employ such other persons as it may deem necessary to carry out the purpose of this chapter [*Ibid*]

Sec. 5391. Duties of Commission. The Commission, when asked, shall give advice to all schools, free and other public libraries, and to all communities which may propose to establish them, as to the best means of establishing and maintaining such libraries, the selection of books, cataloguing, and other details of library management It may also purchase and operate traveling libraries, and circulate such traveling libraries within

the state among communities, libraries, schools, colleges, universities, library associations, study clubs, charitable and penal institutions free of cost, except for transportation, and to establish county and regional libraries and to use any funds, separate and apart from the general library commission fund, which might come into its custody from any source, for such purpose, and for the purpose of establishing, stimulating, increasing, improving and equalizing library service in the various counties within the state, under such rules for safekeeping, preservation, care, handling of the books and allocation of the funds as may be fixed by said Commission. It may publish such lists and circulars of information as it shall deem necessary, and it may also conduct a summer school of library instruction and a clearing house for periodicals for free gifts to local libraries. The Commission shall each year obtain from all libraries in the state reports showing the condition, growth, development and manner of conducting such libraries together with such other facts and statistics regarding the same as may be deemed of public interest by the Commission, and shall make a biennial report to the legislature of the facts of public interest and value in relation to its work. [As amended by Laws 1940, ch 143]

Sec. 5392. How funds drawn. The Commission may from time to time as needed draw an order signed by the secretary and the chairman in favor of any party to whom money is due stating in such order what the money is to be used for, and upon presentation of such order, the state auditor shall draw his warrant upon the state treasurer for the amount therefor not to exceed the amount of the appropriation for the purposes of the commission [1926, ch 180.]

Sec. 5393. Gifts may be accepted. The commission may accept, in the name of the state, gifts of money, real estate, books, periodicals, or other property, for the purpose of promoting the work of the commission, and, to accept and administer any funds which might be provided by the Federal Government for library purposes [As amended by Laws 1940, ch 144.]

C. DEPARTMENT OF ARCHIVES AND HISTORY

(1) GENERAL PROVISIONS

(Mississippi Code Anno 1930, v 2, p 1630-1632, s 3626-3635)

Sec. 3626. Objects and purposes of the department. There shall be for the state of Mississippi a department of archives and history located in the state capitol in apartments set aside for its use by the governor; and the objects and purposes of the said department are the care and custody of of ficial archives, the collecting of materials bearing upon the history of the state and of the territory included therein, from the earliest times, the editing of official records and other historical material, the diffusion of knowledge in reference to the history and the resources of this state, the preparation and publication of annual reports, the encouragement of his-

torical work and research and the performance of such other acts and requirements as may be enjoined by law.

Sec 3627. Board of trustees to control department. The said department shall be under the control of a board of nine trustees, provided three of said trustees shall be ex-confederate soldiers while as many can be had who are competent. The said board shall have the power and authority to fill all vacancies occurring therein, whether by expiration of term of service or by death or resignation, but the names of all newly-elected members shall be communicated to the next ensuing session of the state senate for confirmation, and in case it shall reject any of the said newly-elected trustees it shall proceed forthwith to fill the vacancy or vacancies by an election. All trustees chosen to succeed the present members or their successors shall serve for a term of six years. The said board of trustees shall hold at the state capitol at least one regular meeting during the year, and as many special meetings as may be necessary, and at said meetings five members shall constitute a quorum. The director of the department of archives and history, hereinafter provided, shall be secretary of the board. The trustees shall receive no compensation for their services other than the amount of their necessary expenses actually paid out while in attendance on the meetings of the board or the business of the department. The said board is empowered to adopt rules for its own government and for the government of the department, to elect a director and other officials or employees, as may be authorized by law; and to do and perform such other acts and things as may be necessary to carry out the true intent and purposes of this chapter.

Sec 3628 Director of department; term of office; duties and powers. The department shall be under the immediate management and control of a director, to be elected by the board of trustees, whose term of office shall be six years, and until his successor is elected and qualified. He shall take an oath of office as do other state officials, and shall be commissioned in like manner. He shall have authority to adopt a seal for use in official business. He shall devote his time to the work of the department, using his best endeavor to develop and build it up, so as to carry out the design of its creation. He shall have the control and direction of the work and operations of the said department, and shall preserve its collection, care for the official archives that may come into his custody, collect, as far as possible, all materials bearing upon the history of the state and the territory included therein from the earliest times, prepare the official registers hereinafter provided, and diffuse knowledge in reference to the history and resources of the state. The director of the department shall make a report of the expenses of said department to the legislature of the state as state officers.

Sec. 3629. State and county officials empowered to turn over all records to director not in current use. Any state, county, municipal or other official is hereby authorized and empowered, in his discretion, to turn over to the

department for permanent preservation therein, any official books, records, documents, original papers, newspaper files and printed books not in current use in their offices. When so surrendered copies therefrom shall be made and certified by the director upon the application of any person interested, which certification shall have all the force and effect as if made by the officer originally in the custody of them, and for which the same fees shall be charged, to be collected in advance.

Sec. 3630. County boards of supervisors empowered to turn over historical portraits and make appropriations for oil portraits of distinguished men. The county boards of supervisors are hereby authorized and empowered to turn over to the department historical portraits which may be the property of the counties, and to make appropriations, on application of the director, for the purpose of placing oil portraits of distinguished citizens of Mississippi in the state's hall of fame, provided that the selections shall be made at the request and under the direction of the board of trustees of the department of archives and history.

Sec. 3631. Official and statistical register. An official and statistical register of the state of Mississippi shall be compiled by the director, after each general election, to contain brief sketches of the several state officials, the members of congress from Mississippi, the Supreme Court judges, the members of the senate and house of representatives of the state of Mississippi; roster of all state and county officials, lists of all state institutions, with officials, state and county population and election statistics, and miscellaneous statistics; said register shall be published in an edition of three thousand copies for free distribution, the printing and binding to be paid for as is other public printing and binding, and its distribution shall be paid for out of the fund provided for the distribution of other public documents.

Sec. 3632. To collect and publish data concerning soldiers of Mississippi. The department is charged with the duty of making special effort to collect and publish data in reference to soldiers from Mississippi in the war of 1812, Indian wars, war with Mexico, and the war between the United States and the Confederate States, and to cause the same to be prepared for publication as speedily as possible.

Sec. 3633. Historical roll of Mississippi war veterans provided for. The director of the department of archives and history is authorized to prepare and publish an historical roll of Mississippi soldiers and sailors, with the history of Mississippi organizations and commands serving in the war of 1812, war with Mexico, Confederate war, Spanish-American war and World war, with all records relative thereto.

Sec. 3634. Roll to be complete; printing and distribution. The said historical roll shall be full and complete as it can be made from a thorough and exhaustive study of all sources of information in the department of archives and history, the war department at Washington and elsewhere.

The said work to be undertaken as soon as practicable, and to be continued until it is completed; the printing and binding to be done under the control and discretion of the director of the department of archives and history. The publications, when completed, shall be distributed by the said director, who, in his discretion, shall furnish, free of cost, to the universities, colleges, public and county library each a copy; and shall exchange for similar publications from other states, and shall be authorized to sell copies to other libraries and individuals at a sufficient sum to cover the cost of publication.

Sec 3635. **Director of archives and history to report all sales.** The director of the department of archives and history shall report at each session of the legislature all sales of said publication and amounts collected therefrom, in order that the proceeds from said sales may be disposed of in accordance with the wish of that body.

(2) **TRANSFER OF RECORDS FROM STATE TAX COMMISSION**

(Mississippi Code 1930, 1938 Suppl p 1678, s 2707-2708)

D. PRINTING AND DISTRIBUTION OF STATE PUBLICATIONS

(Mississippi Code, 1930, v 2, p 2798, s 6939-6947, *Ibid* 1938 Suppl p 1183, 1625, ch 164, s 1726, 6940, s 2605, Laws 1940 amending, ch 131, code 1930, s 6940, 6942, 6943)

Sec 6939 **Acts, journals and "Mississippi Reports" deposited in the state library.** The secretary of state shall cause the acts and journals of the several states and territories, the five copies of the acts of congress, twenty-five copies of the acts and journals of each session of the legislature, and twenty-five copies of each volume of the "Mississippi Reports," and twenty-five copies of the department reports, when printed and bound, to be deposited in the state library as a part thereof [7479, 4641; 4089, 208, 122, ch 6, art 17.]

Sec 6940, S. 2605 **Acts and journals distributed.** The secretary of state shall distribute and transmit, free of cost, after the same have been printed and bound, the acts and journals of each session of the legislature, as follows. Two copies of each to the executives of each state and territory of the United States, and to the governments of Canada and Mexico; and one copy of each to the following officers and institutions, Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Railroad Commissioners, Superintendent of the Penitentiary, Assistant Superintendent of the Penitentiary, Superintendent of Education, Land Commissioner, Judges of the Supreme, circuit and chancery courts; clerks of those courts, judge of county court, county attorney, and district attorneys; Mississippi State College, Mississippi State College for Women, Alcorn Agricultural and Mechanical College, Mississippi College, Millsaps College; Memphis Law Library, at Memphis, Tennessee; State Teachers College, Delta State Teachers College and each Junior College located in the state of Mississippi; to the sheriff of each county, for the county library;

and to each member of the legislature; and ten copies of each to the University of Mississippi; and eight copies of the acts and two copies of the journal to the Library of Congress at Washington, D C

Sec. 6941. Acts alone distributed. He shall, in the same manner, further distribute the acts of the legislature alone, as follows: One copy to each of the judges, marshals, and clerks of the United States courts in this state; to each charitable institution, to the secretary of the senate and clerk of the house; to each sheriff, coroner, county treasurer, assessor, surveyor, member of the boards of supervisors, justice of the peace, and mayor. [7581, 4643, 4091; 209, 123; ch.6, art.18; ch.19, art.5(6)]

Sec 6942 Departmental reports and other books furnished the counties. The secretary of state shall, as soon as the same are printed and bound, forward to the sheriff of each county a bound copy of the "Mississippi Department Reports," for preservation in the county library, and he shall so forward, for like purpose, any and all other books published by the state not otherwise provided by law to be furnished the county libraries. And he shall so forward a copy of the state departmental reports to each member of the legislature; and further he shall forward two bound copies of the Mississippi Department Reports, and two copies of any and all other reports, books, pamphlets, maps, etc., published by the state to the library of Congress at Washington, D.C

Sec 6943 S 2606 Mississippi reports distributed. The secretary of state shall transmit, free of cost, one copy of each volume of "Mississippi Reports" to the sheriff of each county of the state, for the county library; one copy of each volume thereof to each of the following educational institutions, to-wit. Mississippi State College, Alcorn Agricultural and Mechanical College, Mississippi State College for Women, Mississippi College, Millsaps College, Delta State Teachers College, and the Mississippi Southern College, and ten copies of each volume thereof to the University of Mississippi, and further five copies of each volume to the Library of Congress at Washington, D C

Sec 6944 "Mississippi Reports" exchanged for reports of other states and countries. The secretary of state, under direction of the governor, shall transmit to the executive or other proper officer of each state and territory of the United States, and to any foreign government or country that will exchange its judicial reports therefore, copies of each volume of the "Mississippi Reports," not exceeding five [7484, 4094; 266.]

Sec. 6945 Acts, journals and "Mississippi Reports" sold. All the acts and journals of the legislature and the "Mississippi Reports" which are not required by law to be deposited in the state library, or to be distributed or exchanged, shall be kept by the secretary of state in his office for sale or exchange for the use of the state; and he shall sell to any person who may apply, the acts and journals at the cost price of printing and binding the same, and the "Mississippi Reports" at the price of four dollars per volume,

and he shall pay the proceeds of such sales into the state treasury in the manner prescribed by law [7485, 4647; 4095.]

Sec. 6946. Acts of congress and other books, papers distributed. The secretary of state shall, at the time of distributing the laws and journals, also transmit to the sheriff of each county, for the county library, one copy of the acts of congress, if there be so many remaining and such other books, papers, maps, and documents as may be required by the legislature or governor to be distributed to the several counties [7486; 4648; 4096; 210; 124, ch 6, art.19.]

Sec 6947. Books and documents for distribution—how and when distributed and receipted for. The secretary of state shall send, by suitable means, at as cheap a rate as he can obtain, to the sheriffs of the several counties, the books, documents, and papers, required to be distributed to the various officers in their respective counties, as soon as practicable after he receives the same, and shall likewise send to the various other distributees the books and documents to which they respectively are entitled. The sheriffs and other distributees shall send by mail, postpaid, or deliver to the secretary of state, a certificate as evidence of the books, documents, and papers received, which, when received, shall be filed by the secretary of state in his office [7487, 46-49, 4097; 125]

Sec 1726 Department reports deposited in library. All state officers, departments, commissions and committees, bureaus and boards, issuing biennial, annual, or special reports of any nature, where such reports are printed, typewritten or mimeographed, shall deposit with the Mississippi state library, for general reference use in said library, at least two (2) copies of each of such printed, typewritten or mimeographed reports, such deposits to be made immediately after issuance of same.

Sec 2 The secretary of the senate and the clerk of the house shall, after the adjournment of each session of the legislature, deposit in the state library at least two (2) copies of all special legislative committee reports, when such reports shall have been printed, typewritten or mimeographed.

Sec. 3 The secretary of state shall, immediately after the passage of this act, give written notice to the head of each state department, committee, commissions, bureau and board directing their attention to this act and the necessity of their compliance therewith. [1938 ch 164.]

E. PUBLIC LIBRARIES

(1) GENERAL PROVISIONS

(Mississippi Code 1930, 1938 Suppl p 1184-1187, s 1728-1737, Miss. Code 1930, v.1, p 297, s 290j)

S 1728 Counties, etc., may establish libraries. (1) It is hereby declared to be the policy of this State to allow and promote the establishment and development of free public library service throughout this State as a part of its provisions for public education

(2) The board of supervisors of any county in the State of Mississippi, or other governing bodies of the counties of this State, and municipalities and towns, through their governing bodies, may establish and maintain or aid in establishing and maintaining free public libraries for the use of the citizens of the respective counties, municipalities or towns, either separately or in connection with free public libraries already established therein. For said purpose said governing body may acquire the necessary real estate either by purchase, gift or donation and may erect the necessary buildings thereon [1938, ch 289]

S 1729 (3) **Funds for establishment and operation.** Where any library is established under this Act, either by the county board of supervisors or the governing body of a municipality, the cost of purchasing land, erecting buildings, and equipping and maintaining such library may be paid for in whole or in part out of the general funds of the county or municipality, if, in the opinion of the governing authority, said funds are adequate for that purpose [1938, ch 289]

S 1730. (4) **Regional libraries.** Two or more counties by action of their boards of supervisors may join in establishing and maintaining a regional library under the terms of a contract to which all of said counties agree. The expenses of the regional library shall be apportioned between or among the counties concerned on such basis as shall be agreed upon in the contract. The library building shall be located at a place in one of the counties to be agreed upon by the boards of supervisors of the various counties in said regional library district [1938, ch 289]

S 1731 (5) **Participation in regional or county libraries by existing libraries.** When a county or regional library shall have been established under this Act, any municipality which is aiding in maintaining or supporting a public library may participate in said county or regional library. Said participation shall be on such terms as may be agreed upon among the governing body of the municipality, the board of trustees of the existing municipal library and the board of trustees of the county or regional library [1938, ch 289.]

S. 1732. (6) **Contract service.** The governing board of any municipality which is not aiding in maintaining or supporting an existing library may contract with the board of trustees of any existing county, regional or other public library to receive the services of said established library. Said contract shall contain such terms, agreements and conditions as may be agreed upon between the governing board of the municipality and the board of trustees of the established library.

The board of supervisors of a county in the State which has no county library and which is not a regional library district may, with the consent of the board of trustees of an established library, contract for library service from any established library; provided, that such a library be subject to inspection by the secretary of the State Library Commission and

be certified by him as maintaining a proper standard. Said contract shall contain such terms, agreements and conditions as may be agreed upon between the board of supervisors and the board of trustees of the library. Any school district may contract for school library service from any existing library, such service to be paid from funds available to the school district [1938, ch.289.]

S. 1733. (7) **Board of trustees.** The management and control of a county, municipal, or regional library shall be vested in a board of five (5) trustees. In county and municipal libraries they shall be appointed by the governing authority of the county or municipality. In regional libraries they shall be appointed by the joint action of all of the county boards of supervisors in said district. The first appointments shall be for terms of one, two, three, four, and five years respectively, and thereafter, a trustee shall be appointed annually to serve (5) years. Vacancies shall be filled for unexpired terms as soon as possible in the same manner in which members of the board were regularly chosen. No trustee shall receive a salary or other compensation for his services [1938, ch 289]

S 1734 (8) **Board of trustees—organization, powers and duties.** The trustees, immediately after their appointment or election, shall meet and organize by the election of such officers as they deem necessary. They shall (1) adopt such by-laws, rules and regulations for their own guidance and for the government of the library as they deem expedient, (2) have the supervision, care, and custody of all property of the library, including the rooms or buildings constructed, leased or set apart therefor; (3) employ a librarian, and upon his recommendation employ such other assistants as may be necessary, prescribe their duties, fix their compensation and remove them for a cause, (4) submit annually to the governing body a budget containing estimates for the ensuing year, (5) have exclusive control of the finances of the library, (6) accept such gifts of money or property for library purposes as they deem expedient, (7) on recommendation of librarian purchase books, periodicals, maps, and supplies for the library, (8) and do all other acts necessary for the orderly and efficient management and control of the library. Provided, however, that no expenditure made or contracted by said trustees shall be binding on any county or municipality so as to require any payment in excess of funds made available for library purposes under this Act [1938, ch.289]

S. 1735 (9) **Annual reports.** At the close of each year the board of trustees of every library shall make a report to the governing body in the county or municipality wherein the board serves, showing the condition of their trust during the year, the sums of money received for the library fund from taxes and other sources, the sums of money expended and the purposes of the expenditures, the number of books and periodicals on hand, the number added during the year, the number withdrawn, the number loaned out, and such other statistics and information and such suggestions

as they deem of public interest. A copy of this report shall be filed in the State Library Commission. [1938, ch.289.]

S. 1736. (10) Free use of libraries. Every library established or maintained under this act shall be free for the use of the residents of the territory included within the library district, subject to such reasonable rules and regulations as the trustees find necessary. Provided, however, that the trustees may charge a reasonable fee for the use of certain copies of popular fiction and non-fiction [1938, ch.289.]

S 1737 (11) Act construed—laws repealed. All Acts or parts of Acts inconsistent herewith are hereby repealed except that this act shall not be construed to abrogate the force of charter provisions or any local Act governing existing public libraries. And provided further that this Act shall not be construed to repeal Section 290 (j), Code of 1930, as amended, but shall be construed as additional and supplementary thereto [1938, ch.289]

Sec 290 Supervisors may donate for certain patriotic and charitable uses. The board of supervisors of each county are hereby authorized in their discretion to donate money for the objects and purposes following, to-wit: ***

(j) Public Libraries.

A sum not to exceed three hundred dollars per annum toward the support and maintenance of one or more public libraries situated in the county. In any county whose total assessed valuation, including railroads and all public utilities, is more than eighteen million dollars the board in its discretion may appropriate a sum not to exceed three thousand dollars per annum for public libraries.

The board may also give or donate any legislative journals, constitutional convention journals, printed official reports of any state or county officers, official reports of departments, bureaus or officers of the United States, and copies of the acts of the legislature or laws of Mississippi now or hereafter in the county library of such county and not needed, in the opinion of the board in the county library (but not including any Mississippi reports and not including any acts of the legislature or laws of the state, unless such acts, or laws be more than twenty years old) to any library or library association or foundation or organization maintaining a free public library for reference or otherwise, provided such library, association, foundation or organization owns free from incumbrance a fireproof library building located in this state, in which building said journals, reports, acts and laws may be and shall be deposited where received under this section and made accessible under reasonable regulations to the general public, and provided further that such library, association, foundation, or organization shall not have the right to sell or otherwise dis-

pose of said journals, reports, acts and laws. But the same may be returned to the county library from which received without expense to the county or to the state library, without expense to the state, at any time by the library association, foundation or organization receiving the same.

Any gift or donation made by the board of supervisors of any county under the authority of this section shall be evidenced by an order spread upon the minutes of said board. The county shall bear no expense in connection with any donation. The sheriff of the county, or the custodian of the county library, shall deliver to the representative of the library, association, foundation or organization entitled to receive the same any of said journals, reports, acts, laws and official publications in accordance with the directions contained in any order of the board of supervisors for the delivery of the same and shall take proper receipt from the party receiving the same, and shall deliver such receipt to the clerk of the board of supervisors of the county, and the board of supervisors shall have the said receipt entered in full on the minutes of the board.

Any library, library association, foundation or organization receiving any gift or donation from any county under this section shall report in writing to the board of supervisors from which such gifts or donations have been received every two years that the gifts and donations so received are still in the possession of the donee and are accessible to the general public. And if any of the gifts or donations so received have been lost, destroyed or have otherwise disappeared report thereof shall be made.

If any library, library association, foundation or organization receiving gifts or donations under this section shall cease operating a free public library or shall cease to be the owner of a fireproof building in which it keeps and maintains a free public library for reference or otherwise, the said library, library association, foundation or organization shall thereupon immediately return to the county library, without expense to the county or to the state library, without expense to the state, any gifts or donations it may have received under this act [1920, ch.289, 1924, ch 217; 1926, ch 204]

NOTE—See also sec 6788 under "School Libraries"

(2) LIBRARY BUILDING BONDS.

(Mississippi Code 1930, v 1, ch 50, s 2483)

Sec 2483 Municipal bonds. The corporate authorities of any municipality, are authorized to issue bonds or other obligations of the city, town or village, for the following purposes. ***

(k) The purchase of or the construction of public buildings for li-

braries and the purchase of land therefor and the repair, improvement and equipment thereof, and buying books and other literature therefor; provided the municipality may either from sale of bonds or out of its public funds purchase books, literature or equipment for an established local public library, under satisfactory management, free of debt, and financially able to fully maintain itself, title to said books, literature and equipment to remain in said municipality should said library be closed or abandoned.

F. INCORPORATED LIBRARIES

(Mississippi Code, 1930, p 1633-1634, s.3636-3642)

Sec. 3636 Trusts for founding public institutions; how created. Any person desiring in his lifetime, to promote the public welfare by founding, endowing and having maintained a public library, museum, art gallery or educational institutions within this state, to be operated without profit, may to that end and for such purposes by grant, in writing, convey to a trustee, or any number of trustees, named in such grant, and to their successors, forever, such real property in this state as shall be necessary to the operation of such library, museum, art gallery or educational institutions, and any personal property wherever situate [1922, ch 193]

Sec. 3637. Grantor to designate purpose. The person making such grant may therein designate:

(1) The nature, objects and purposes of the institution to be founded, endowed and maintained

(2) The name by which it shall be known

(3) The powers and duties of the trustee or trustees and the manner in which he or they shall account, and to whom, if accounting be required; but such powers and duties shall not be held to be exclusive of other powers which may be necessary to enable such trustee or trustees to carry out the object of such grant

(4) The mode and manner, and by whom, the successors to the trustee or trustees named in the grant are to be appointed, in perpetuity.

(5) Such rules and regulations for the management of the property conveyed as the grantor may elect to prescribe, but such rules shall be deemed advisory only, and shall not preclude such trustee or trustees from making such change as new conditions may from time to time require. [1922, ch.193]

Sec. 3638. No institution for profit to be founded hereunder. No institution for pecuniary profit shall be founded hereunder; and no dividends shall be declared or paid by any institution founded hereunder, and no trustee, officer, member or employee of any institution founded hereunder shall receive, or be entitled to receive, any pecuniary profit from the operations thereof except reasonable compensation for services in effecting or furthering any one or more of the objects or purposes of the institution;

provided, however, that in case of a public library any requirements for the payment of fees for various privileges shall not divest such library of its public character when such requirements are usual or customary in case of public libraries throughout the state or the United States, and provided further that in the case of educational institutions, requirements as to the payment of matriculation fees, laboratory fees, library fees, fees of like kind or nature, board and lodging of students, and any of the requirements customary or usually insisted upon in the public educational institutions of this state shall not divest such institutions of their public character. [1922, ch 193.]

Sec. 3639. Institutions exempt from taxation. Every institution founded hereunder and its property including real property, money, stock, bonds, notes, certificates of indebtedness, other evidences of indebtedness, and all other personal property so far as devoted exclusively to carrying out objects and purposes of such institution shall be exempt from all state, county and municipal taxes, provided, however, such institution shall own only real property as shall be necessary to the fulfillment of the objects and purposes of such institution [1922, ch 193]

Sec 3640 May receive gifts and bequests under certain conditions. Every institution founded hereunder shall be competent to receive by purchase or gift further property, provided the aggregate of all real property held by such institution shall not exceed the amount necessary to the fulfillment of the objects and purposes of such institution And such institution shall be competent to receive by request further property provided such request is not in violation of sections two hundred and sixty-nine, and two hundred and seventy of the constitution of Mississippi And provided further that such property so received shall be devoted exclusively to the purposes of such institution. [1922, ch 193]

Sec 3641 Trustees, their authority, etc. The trustee or trustees named in any grant made and their successors, may in the name of the institution, as designated in such grant, sue and defend, in relation to the trust property and in relation to all matters affecting the institution endowed and established by such grant. [1922, ch 193.]

Sec. 3642 Grants to be recorded. Any such grant may be executed, acknowledged and recorded in the same manner as is now provided by law for the execution, acknowledging, and recording of grants of real property. [1922, ch 193]

G. SCHOOL LIBRARIES

(Mississippi Code Anno, 1930, v 2, p 2749, 2750, s 6786-6787)

Sec. 6786 County aid. When any public free school in this state shall raise not less than ten dollars by subscription or otherwise for a library for such school, and shall furnish suitable bookcases with lock and key, the superintendent of education of the county where such subscription is

raised may issue his certificate for a like amount not exceeding twenty-five dollars in favor of such school, to be paid out of the common school fund of that county, but in no case shall the amount given by the county in any one year exceed two hundred and fifty dollars, provided, that no school shall receive a second donation from the school fund for library purposes so long as there are any new applications from schools that have not been supplied [1924, ch 283.]

Sec 6787 Library commission. The county superintendent of education shall name two first-grade teachers, who, together with the county superintendent, shall constitute a county library commission, and it shall be the duty of this commission to name a list of books suited for school libraries, and all books purchased under this provision shall be selected from this list. It shall be the duty of this commission to make rules and regulations to govern and control the use of such libraries in the county, and shall name a local manager of each library who shall make a report every year to the county commission of all books purchased during the year, of the money on hand at the time of the report, together with the amount expended for library purposes. The county superintendent shall keep a list of books purchased by the several libraries of his county and make a library report to the state superintendent of education biennially with the county school report [1924, ch 283.]

H. COUNTY LAW LIBRARIES

(Mississippi Code 1930, 1938 Suppl. p 63-64, ch 9, s 6)

Ch 9, S. 6 (1) The board of supervisors of each county in the State in which there is a city of more than 18,000 inhabitants according to the last decennial census of the United States shall have power, by an appropriate order or orders entered on its minutes, to establish and maintain, in the county court house or other suitable public building, adjacent or near thereto, a public county law library, where 3,000 volumes or more are made available, under such rules, regulations and supervision as it may from time to time ordain and establish, and to that end may accept gifts, grants, donations or bequests of money, furniture, fixtures, books, documents, maps, plats or other property suitable for such purpose.

(2) The said board of supervisors shall have power to exchange or sell duplicate volumes or sets of any such books or furniture, and in case of sale, to invest the proceeds in other suitable books or furniture, and may also purchase from time to time additional books, furniture, or equipment therefor, to an amount not exceeding five hundred dollars a year.

(3) For the purpose of providing suitable quarters for such public law library, the said board of supervisors may in its discretion expend such sum, not exceeding \$5,000 00, as may be deemed necessary or proper for such purpose, and may also employ a suitable person as librarian and pay

for such service any sum not exceeding five hundred dollars a year in equal monthly installments.

(4) In case such public law library shall be so established all books, documents, furniture and other property then belonging to the county library as heretofore provided for, shall be transferred to and become a part of such public law library, and all books, documents and publications hereafter donated by the State to the county library shall also become a part thereof And in such case, sections 223 and 3332 code of 1930 relating to the county library, as heretofore provided for, shall be superseded and suspended in such county so long as such public law library shall be maintained therein. [1934, ch 239]

I. TAX EXEMPTIONS

(Mississippi Code 1930, v 1, p 1407, s 3116)

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A. STATE LIBRARY

(Missouri Stats Anno 1932, v7, p 4945-4949, s 13413-13426, 13428-13431)

Sec 13413. **Supreme court to appoint a librarian—duties, salary.** The supreme court shall appoint a librarian of the state library at an annual salary of twenty-four hundred dollars (\$2400.00), payable monthly out of the appropriation for civil officers, who shall have the custody of all the books belonging to the library and shall take special care that none of them be lost or injured, and shall be responsible therefore. [R.S 1919, s.7156. A.L 1931, p 261, s.1.]

Sec 13414. **Duty of librarian; secretary of state to deliver to the librarian books, reports, etc.** The librarian shall have the custody, charge and safe-keeping of all maps, charts and other things of every kind whatsoever, properly belonging to the library, and shall take special care that none of them be lost or injured; and he shall cause the seal of the supreme court to be stamped on the outside of each volume. The secretary of state shall deliver to the librarian, as soon as received by him, one copy of the following books, viz.: The acts of each session of congress, acts of the several states and territories, the journals of the general assembly of this state,

the journals of the general assemblies of the several states and territories, also one copy of the journals of each house of congress, and of all books, reports, state papers and documents ordered by congress or either house thereof to be distributed among the states, also, five copies of the acts of the general assembly of this state, which the librarian shall cause to be bound, if the same be not already done, and placed in the library. [R.S. 1919, s.7157.]

Sec. 13415. Where miscellaneous and law library shall be kept. The librarian shall cause all books, maps and charts now owned by the state, and such as may be hereafter acquired, to be appropriately arranged and kept in the rooms which are set apart for that purpose on the second floor of the supreme court building. He shall have the sole and entire control of said rooms, keep the keys of the same, and provide for the safe-keeping of the books. [R S 1919, s 7158.]

Sec. 13416. Librarian authorized to procure books. When there shall be a want of continuity in any of the series of acts, journals or other books required to be placed in the library, it shall be the duty of the librarian to open a correspondence with the proper person, in order to obtain those which are wanting, and if they cannot otherwise be procured, he shall purchase the same and place them in the library [R S 1919, s 7159]

Sec 13417 Appropriation for state library. There is hereby created a fund to be denominated "the state library fund," to consist of all moneys appropriated by the general assembly for the purchase of books for the library. [R S.1919, s 7160]

Sec 13418 Librarian to purchase books. The librarian shall, under the direction of the judges of the supreme court, purchase such books as they may require, and place the same in the law library; and under the direction of such judges, he may sell or exchange any surplus or duplicate law books or reports, and use the money arising from such sale in purchasing other law books for the library [R S 1919, s 7161]

Sec. 13419. Court to appoint assistant librarian; compensation. The supreme court shall appoint an assistant librarian who shall perform his or her duties under the direction of the librarian and who shall receive an annual salary of eighteen hundred dollars (\$1800 00), payable monthly out of the appropriation for the pay of civil officers [R S 1919, s 7162. Amended, Laws 1931, p 261, s 1]

Sec. 13420. Duty of auditor. The state auditor shall audit the accounts of the librarian and assistant librarian under this article, and draw warrants on the treasury for the payment of the same. [R S.1919, s.7163]

Sec. 13421. Librarian to make catalogue and report. All books donated to or purchased by the state shall be kept in the library; and it shall be the duty of the librarian to make a complete catalog of all books, maps and charts then in the library and report the same to the general assembly at the commencement of each session thereof, together with a list of books,

maps, charts, etc., purchased each year, and an exhibit of all incidental expenses connected with said purchases. [R S.1919, s 7164]

Sec. 13422 Certain expenses to be allowed librarian. All necessary expenses of stationery, lights, postage, fuel and keeping the library clean and in order, shall be allowed the librarian, and paid out of the general contingent fund. [R S 1919, s.7164.]

Sec. 13423 When the rooms shall be opened; who privileged to take books from the rooms. The library shall be kept open for all persons who wish to use the books therein each day (Sundays and all legal holidays excepted) without intermission, from half past eight o'clock A. M. till ten o'clock P. M. , but no book shall be taken from the library except by the state officers, members of the general assembly or the judges of the supreme court, or an attorney of the supreme court on an order of a judge of the supreme court; and no book shall be taken from the library in any case without it shall have been first charged to the person obtaining it, who shall also give his written receipt for the same [R.S 1919, s 7166]

Sec 13424 Duty of librarian and auditor when books are not returned. It shall be the duty of the librarian, at least six days before the close of each session of the general assembly, to deliver, in writing, to the state auditor, the name of each member who has taken a book from the library and has not returned the same, together with the title of the book and the value thereof, as nearly as he can ascertain the same, and it shall be the duty of the auditor to deduct from the per diem of each member treble the value of said book [R S 1919, s 7167]

Sec 13425 Penalty for violation of this article, how recovered. If any person shall violate the provisions of this article, he shall forfeit and pay to the librarian, for the benefit of the library, three times the value of any book taken from the library, or of the set to which it belongs, to be recovered by civil action in the name of the librarian, for the use of the library, in any court having jurisdiction thereof [R S 1919, s 7168]

Sec 13426 Duties of librarian; liable for books lost or destroyed. The librarian shall deliver to the secretary of state, to be safely kept in his office, a catalog, with a receipt thereon, of all the books, maps, charts, etc., in the library; the said catalog shall have blank spaces therein, so that the books, maps, etc., from time to time thereafter delivered to the librarian may be entered thereon by the secretary of state, whose duty it shall be to do the same. If any book, map or chart thus delivered to the librarian shall be lost, misplaced or destroyed, so that it cannot be found, the librarian shall be liable therefor, and the supreme court may direct the value of the book to be retained out of the salary of the librarian by the state auditor; and the amount thus retained shall be drawn from the treasury on warrant and applied to the replacement of the book thus lost. [R S 1919, s.7169.]

Sec. 13428 Librarian to keep library warmed, etc. The librarian shall see that the library is at all times properly warmed, lighted and prepared for the accommodation of the members of the general assembly, members

of the legal profession, and of such other persons as are permitted to use the same. [R.S.1919, s.7171.]

Sec. 13429. Term of office of librarian and assistant. The librarian and assistant librarian shall hold their offices during the pleasure of the supreme court, and the said court shall exercise a general care and superintendence over the library. [R S.1919, s 7172.]

Sec. 13430. Court reports to be replaced, when. Whenever any volumes in the state library of the supreme court reports or of the courts of appeals of this state, or of the Revised Statutes or session acts thereof, have become worn and defaced or unfit for use, the secretary of state, on the requisition of the state librarian, shall exchange said volumes for others from the surplus volumes of said books in his possession [R S 1919, s 7173]

Sec. 13431. State library to exchange publications with other states. The state library is hereby made and constituted the medium for exchanges of the official publications of the various departments, institutions and bureaus of the state government, to be exchanged with the other states of the union for their official state publications, and the officials of this state in charge of said departments, institutions and bureaus, shall cause to be delivered to the state library such number of copies of all their publications as is necessary to make such exchange, and for the use of the state library [R S 1919, s 7174]

B STATE LIBRARY COMMISSION

(Missouri Stats Anno 1932, v7, p 4949-4951, s 13432-13437)

Sec. 13432 Missouri library commission; how constituted and appointed. The governor shall appoint three persons, who, with the state superintendent of schools and the president of the state university, shall constitute the Missouri library commission. The members appointed by the governor shall be appointed for terms of six, four and two years from the first day of July following the passage of this article. All subsequent appointments shall be for terms of six years, except appointments to fill vacancies, which shall be made by the governor for unexpired terms. [R S 1919, s.7175]

Sec. 13433 Duties of commission. The commission shall give advice to all school, free and other public libraries, and to all communities which may propose to establish them, as to the best means of establishing and maintaining such libraries, the selection of books, cataloguing and other details of library management. It may also receive gifts of money, books or other property which may be used or held in trust for the purpose or purposes given; may purchase and operate traveling libraries, and circulate such libraries within the state among communities, libraries, schools, colleges, universities, library associations, study clubs, charitable and penal institutions, free of cost, except for transportation, under such conditions and rules as shall protect the interest of the state and best increase the effi-

ciency of the service it is expected to render the public. It may publish such lists and circulars of information as it shall deem necessary, and it may also conduct summer schools of library instructions, and a clearing house for periodicals for free gift to local libraries. [R.S.1919, s.7176.]

Sec. 13434. Officers, their duties and compensation. The officers of the commission shall be a president, in whose absence any member may be chosen as president pro tem., and a secretary, not of its own number, to be appointed by the commission, who shall serve at the will of the commission, for such compensation and under such conditions as it shall determine. It may also employ such other assistants as shall be required for the performance of the work of the commission as set forth herein, who shall serve upon such conditions as the commission may determine. It shall be the duty of the secretary to keep a record of the proceedings of the commission, to keep accurate account of its financial transactions, and to act under the direction of the commission in supervising the work of the traveling libraries, in organizing new libraries and in improving those already established, and, in general, to perform such other duties as may be assigned him by the commission. In addition to his salary, he shall be allowed his actual and necessary expenses while absent from his office upon the service of the commission. Such expenses, when approved by the president, or the member acting in that capacity, shall be certified to the state auditor in the same manner as other bills incurred by the commission. No member of such commission shall be compensated for his services, but accounts for the traveling expenses of the members thereof in attending meetings or establishing libraries and other necessary incidental expenses connected with their duties may be audited by the state auditor when approved by the president and the secretary of the commission. All bills, properly certified, shall be paid as other bills of the state departments are paid. [R.S. 1919, s 7177.]

Sec. 13435 May arrange course of lectures. In connection with and under the supervision of the president of each normal school of the state, the commission may arrange for courses of not less than four lectures every year at each of these schools, on book selections, use and care of books, cataloguing and library administration, may co-operate with the state library board in devising plans for the care of school district libraries; in aiding teachers in school library administration and in formulating rules and regulations governing the use of such libraries throughout the state. Such suggestions, rules and regulations are to be promulgated through the state superintendent of schools. [R S 1919, s 7178.]

Sec 13436 Commission to make annual report; contents. The commission shall make an annual report, on or before the first Wednesday in January in each year, to the general assembly, when that body shall be in session any such year, and when it is not in session any one year, the report shall be made to the governor, who shall cause the same to be published,

and shall also communicate a copy to the next general assembly. Such reports shall state library conditions and progress in Missouri, and shall contain an itemized statement of the expenses of the commission. Such reports shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state. Blanks and other printed matter required by the commission shall be furnished by the secretary of state and shall be paid for from the fund of the commission. [R.S. 1919, s.7179.]

Sec. 13437. **Headquarters of commission.** The headquarters of the commission shall be in Jefferson City, in rooms provided by the state [R.S. 1919, s.7180]

C. LIBRARY OF THE GENERAL ASSEMBLY

(1940 Suppl, Missouri Stats. Anno 1932, v.7, p 4942-4953, s 13438-13444E.)

Sec. 13438. **Committee on legislative quarters and library; established.** There is hereby established a permanent Joint Committee of the General Assembly, to be known as the Committee on Legislative Quarters and Library, to be comprised of ten members of the Senate and ten members of the House of Representatives whose offices shall be located in the Capitol Building, Jefferson City, Missouri. The Senate members of the Committee shall be appointed by the President pro tem of the Senate and the House members shall be appointed by the Speaker of the House, and their appointments shall continue during their terms of office as members of the General Assembly [A L.1939, p 503, S A]

Sec. 13439 **Organization of committee; librarian and custodians.** The Committee on Legislative Quarters and Library shall meet within ten days after its creation and organize by selecting a member of the Senate as Chairman and a member of the House of Representatives as Vice Chairman of the Committee. The Librarian shall serve as Secretary to the Committee on Legislative Quarters and Library. He shall keep the records of the Committee and be subject to the jurisdiction and order of the Committee during the vacation of the House and Senate bodies of the General Assembly. The Committee on Legislative Quarters and Library shall have authority to employ two custodians, one for the Senate Chamber and one for the House Chamber in the State Capitol Building. The regular meeting place of the Committee shall be Jefferson City, Missouri, and after its inception and organization it shall regularly meet at least once every three months. A majority of the members of the Committee shall constitute a quorum and its membership shall serve without compensation, but shall be entitled to mileage and necessary expenses incurred while attending any meetings of the Committee. Special meetings of the committee may be called at such time and place as the Chairman or Vice Chairman thereof may so designate [Ibid. A L.1939, p.503, S.A.]

Sec. 13440. **Committee to have control.** It shall be the duty of the

Committee on Legislative Quarters and Library to have charge and control of the Senate and House Chambers of the State Capitol Building and all other space on the third and fourth floors of the State Capitol Building as originally designated by the architects for the use of the members and officers of the Senate and House of Representatives, including bill rooms and file rooms, and the furniture, files and supplies therein, all of which shall be reserved for the permanent use of the members of the Senate and the House of Representatives [A L.1939, p 503, S A]

Sec 13441. Offices of members of Senate. The offices of the members of the Senate and the other offices on the third and fourth floors of the State Capitol Building originally designed by the architect for the use of the members and officers of the Senate, including the Senate Chamber, the Senate Lounge, bill rooms and file rooms, and the furniture, files and supplies therein, shall be reserved for the permanent use of the members of the Senate. These rooms, together with all other rooms on the Senate side of the Capitol Building, shall be in direct charge and under the control of the Custodian of the Senate, who shall be considered the representative and employee of the Committee on Legislative Quarters and Library, and no use of any of said quarters other than by the Senate or the members thereof shall be made, save and except with the written consent of the Senator occupying said office room and upon order of the Committee on Legislative Quarters and Library [A L.1939, p 503, S A]

Sec. 13442 Offices of members of House of Representatives. The offices of the members of the House of Representatives and the other offices on the third and fourth floors of the State Capitol Building originally designed by the architect for the use of the members and officers of the House of Representatives, including the House Chamber, the House Lounge, bill rooms and file rooms, and the furniture, files and supplies therein, shall be reserved for the permanent use of the members of the House of Representatives. These rooms, together with all other rooms on the House side of the Capitol Building, shall be in direct charge and under the control of the Custodian of the House of Representatives, who shall be considered the representative and employee of the Committee on Legislative Quarters and Library, and no use of said quarters other than by the members of the House of Representatives shall be made save and except with the consent and upon order of the Committee on Legislative Quarters and Library [A L.1939, p 503, S A]

Sec 13443 Duties of Custodians. It shall be the duty of the Custodian of the Senate and the Custodian of the House of Representatives, at least thirty days prior to the convening of the General Assembly in regular sessions, to see that the said offices and all rooms are put in order for the occupancy of the members of the Senate and the House of Representatives. [A L.1939, p 503, S A]

Sec. 13444. Legislative Library. The Legislative Library room lo-

cated on the third floor of the Capitol Building and in a northerly position between the Senate Chamber and the House Chamber shall be set aside as a Legislative Library under the direction and control of the Committee on Legislative Quarters and Library. Out of an appropriation made for that purpose, the Committee on Legislative Quarters and Library, shall maintain a reference service which shall be available exclusively to the General Assembly, its officers and employees. This service shall include the following specific functions:

(1) Secure and file copies of all bills, resolutions, amendments, memorials, reports of committees, journals, and other documents printed by order of either House of the General Assembly, and collect, catalogue, and index such material as soon as practicable after it has been printed

(2) Keep an index or digest of the action on each bill, resolution, and memorial by either body of the General Assembly and the Governor. [A.L. 1939, p 503, S.A.]

Sec 13444A. State library to be available to members of General Assembly, certain officers, etc. The material, including books and other publications of the State Library shall be made available to the members of the General Assembly, and all officers of the State and all Universities and Colleges located in this State and the State Historical Society of Missouri [A.L. 1939, p 503, S.A.]

Sec 13444B. Committee to give service as to pending bills. From the time the Legislature of the State convenes until it is adjourned finally, the Committee on Legislative Quarters and Library, through its duly authorized representatives shall give such consideration to and service concerning any bill before the Legislature, as circumstances will permit, and which is in any way requested by the members of the Senate or the House of Representatives, or any Committee of Legislature having such bills before it for consideration, and after such adjournment, the Committee, through its duly authorized representatives, shall still remain so subject to such request by the members of the Senate or the House of Representatives [A.L. 1939, p 503, S.A.]

Sec 13444C Employees; compensation; rules and regulations; telephone and postage; law reports and statutes The Committee on Legislative Quarters and Library is hereby authorized to employ and fix the compensation of such clerical help as it may deem necessary within the limitations of the appropriation made out of the general revenue of the State for the purpose of carrying out the provisions of this act. Said committee shall also fix the compensation of the Custodian of the House and the Custodian of the Senate and the Librarian and Secretary to the Librarian. Said committee is hereby authorized and empowered to make and enforce reasonable rules, orders and regulations for the care and maintenance of the Senate and House Chambers, including bill rooms and file rooms, and the furniture, files and supplies therein and to make reasonable expenditures within

the limits of the appropriations for such purposes. Said committee is hereby authorized and empowered to provide a telephone in the office of both the Senate and House Custodians, provide postage, and to purchase for the Library one full set of the Southwestern Reporter System, Missouri Edition, and West's Missouri Digest System and Missouri Statutes Annotated and one set of West Publishing Company Missouri Advanced Sheets and one set of the United States Code Annotated, together with necessary clerical supplies and equipment and pay for same out of any appropriation made to such committee. Said committee is further authorized and empowered to authorize said Librarian to exchange sets of Missouri Statutes and Sessions Acts for the Statutes and Session Acts of other States and provide necessary postage for such exchanges and the Secretary of State is hereby authorized to furnish the Librarian, without charge, such number of Missouri Statutes and Session Acts as may be required for such exchange. [A.L.1939, p.503, S A]

Sec. 13444D. Custodian to be responsible for furniture, etc. As custodians of the Senate and House chambers of the State Capitol Building and all other space on the third and fourth floors of the State Capitol Building as originally designed by the architect for the use of the members and officers of the Senate and House of Representatives, including the Senate Chamber, the House Chamber, including bill rooms and file rooms, and the furniture, files and supplies therein, the Custodian of the Senate and the Custodian of the House shall be responsible for the furniture, files, fixtures and supplies located on the third and fourth floors of the State Capitol Building and used by the members and officers of the Senate and the members and officers of the House of Representatives [A.L.1939, p.503, S.A]

Sec. 13444E. Furniture to be marked. It shall be the duty of the Custodian of the Senate and the Custodian of the House to mark all legislative furniture by stencils or otherwise so that it can be identified to inventory and protect said furniture. It shall be the duty of the Commissioner of the Permanent Seat of Government to cooperate with the custodians above designated and supply and furnish necessary janitor hire to keep the legislation quarters in good condition. [A.L.1939, p 503, S.A.]

D. STATE HISTORICAL SOCIETY

(Missouri Stats Anno 1932, v 11, p 7771, s 13707-13709)

Sec 13707. Society made trustee for the state. The state historical society of Missouri, heretofore organized under the laws of this state, shall be the trustee of this state, and as such shall hold all its present and future collections and property for the state, and shall not mortgage or deed in trust any of its property or sell any of such property except by way of exchange for property of equal value or for reinvestment. There shall continue to be an executive committee of said society, to consist of as many members as is or may be provided in the constitution of said society, and

to have the same powers as the present executive committee. [R.S 1919, s.5845]

Sec. 13708 Society's duties. It shall be the duty of the society to collect books, maps and other papers and material for the study of history, especially of this state and of the middle west; to acquire narratives and records of the pioneers, to procure documents, manuscripts and portraits, and to gather all information calculated to exhibit faithfully the antiquities and the past and present condition, resources and progress of this state; to cause its collections to be properly bound and preserved; to conduct a library of historical reference, and to publish from time to time reports of its collections and such other matters as may tend to diffuse information relative to the history of this region, and to keep the rooms containing the collections of said society open at all reasonable hours on business days for the reception of the citizens of this state, without fee. [R.S 1919, s 5846.]

Sec 13709 Executive committee to report; duties of secretary of state. The executive committee of said society shall keep an accurate account of the expenditure of all money which may be appropriated for the purposes of the society, and report biennially to the governor a detailed statement of such expenditure To enable the society to augment its collections by effecting exchanges with other societies and institutions, sixty bound copies each of the several publications of the state, and of its societies and institutions, except the reports of the supreme court and the courts of appeals, shall be and the same are hereby donated to said society as they shall be issued, the same to be delivered to the society by the secretary of state or other officer having the custody of the same, to include, also, for deposit in its collections, one set of all publications of the state, including those heretofore issued, so far as possible, not excepting the reports of the supreme court and of the courts of appeals [R S 1919, s.5847.]

E. COURT OF APPEALS LIBRARIES

(Missouri Stats Anno 1932, v 4, p 2584, c 1904)

Sec 1904 Rooms, library, etc The judges of the three courts of appeals, or a majority of the judges of either of said courts, are hereby respectively authorized to rent and furnish for their respective courts a suitable court room and office for the clerk and rooms for the judges, and a room for the janitor and marshal, and a room for the library, and to make such arrangements for obtaining the use of the libraries of their respective cities as they respectively may deem necessary and wise; all of which expenditures, as also for stationery and other necessary outlay for each of said courts, shall be paid by the state; and the certificate of the presiding judge of said respective courts as to the same shall be a sufficient voucher to the state auditor, who shall thereupon draw his warrant accordingly on the state treasurer for the amount thereof [R S.1919, s 2408]

F. PRISON LIBRARIES

(Missouri Stats. Anno. 1932, v 9, p.6210-6211, s 8427-8428)

Sec 8427. Two chaplains; their duties. The said board shall appoint two chaplains for the penitentiary, who shall hold their office during the pleasure of said board. The persons so appointed shall be selected with a view to their educational training, general fitness, and particular interest in the moral training and reformation of convicts. They shall give their entire time and attention to the work and shall not regularly officiate in the capacity of minister or clergyman elsewhere than at the penitentiary, during the term of their appointment, unless by order of the board entered of record, they shall conduct such religious services at the penitentiary as may be prescribed by the board, which shall not be less than one sermon each Sunday to the males and one to the females, they shall visit convicts in their cells at least once each month, when practicable, for the purpose of giving elementary mental and moral and religious training, either in said cells or elsewhere, as by the board provided, they shall, with the consent of the board and physician, visit the sick in the hospital at least once each day, they shall hold religious service in the hospital at least once each week; they shall have charge of the prison library and the purchase of books therefor; they shall teach the young and illiterate convicts who desire instruction in the elementary branches, during such leisure hours of such convicts as may be designated by the board, they shall officiate at the funeral of each convict and be present at his burial, for their services as such chaplains they shall each be paid a salary of twelve hundred dollars a year, in monthly installments, they shall make a biennial report to the board of the moral and religious conditions of the convicts, with any other facts relative to the discharge of their duties they may deem proper to report [R S 1919, s 12503]

Sec 8428. Books for prison library; purchase. On order of the board therefor entered of record, the chaplains shall purchase all books for the prison library, and for this purpose the state auditor shall draw his warrant upon the state treasurer for any moneys which have been or may hereafter be appropriated for that purpose, provided, such purchases shall not exceed the amount appropriated for such purpose—such books to be purchased at the lowest wholesale price for cash, without any commission They may also receive donations of books, papers or magazines for the library, or donations of money therefor, and in their biennial report shall give the number and cost of all books purchased and the names of those who have donated books or money for the use of the library. They shall preach or lecture once on each Sunday, or may, in their discretion, invite any other person to preach or lecture or perform such services in their stead [R.S. 1919, s 12504.]

G. DISTRIBUTION OF PUBLIC DOCUMENTS

(Missouri Stats. Anno 1932, v 7, p 4915, 4917, 4927, s 667, 674, 693;
See also s 9453, 12465)

Sec. 667. Free distribution of session laws. The secretary of state shall distribute the printed copies of the laws and resolutions passed at each session of the general assembly immediately after receiving the same in the manner following, namely To the head of each state department, bureau and institution, including each judge of the supreme court, one copy; to the law library of the supreme court of this state, six copies, to the library of congress at Washington and to the law library of each state and territory within the United States, each two copies; to the university of the state of Missouri, two copies; to the law library association of St Louis, six copies; to the clerks of each of the United States district and circuit courts for the districts of Missouri, for the use of such courts, each two copies, to the New York law institute, two copies; to the Kansas City law library, four copies; to the clerks of the St Louis and Kansas City courts of appeals, for the use of said courts, each four copies; to the St Joseph law library, three copies, and to the Missouri historical society, two copies; and to each free public library in the state of Missouri, on application of its librarian, one copy [R.S 1919, s 7070]

Sec 674. Distribution to be made to certain departments. The secretary of state shall also deliver one copy of the journal of each house to the head of each state department, bureau or state institution upon application, and transmit three copies of each to the library of congress at Washington, one copy of each to the university of the state and two copies of each to the law library association of St Louis, and one copy of each to the Missouri historical society and each public library in the state The remaining copies shall be preserved, subject to the orders of the general assembly. [R.S 1919, s 7077]

Sec 693 Number printed and to whom distributed. There shall be printed sixteen thousand copies of each volume of the Revised Statutes, which shall be received by the secretary of state, and by him held and disposed of as follows To the head of each state department, bureau or institution, judges of the supreme court, and courts of appeals, the judges of the circuit court and state criminal courts, the members of the general assembly, the libraries of the state university and normal schools, to each public library, on application of the librarian, he shall deliver each one copy To the secretary of state of the United States, to the law library of the supreme court, of the United States, to the librarian of congress, and to the law library of each state and territory within the United States, he shall deliver each one copy. To the law school of the Missouri university, the Missouri historical society, the St Louis law school, the Kansas City school of law, the Mercantile library of St. Louis, the New York law institute and the public school library of St. Louis, each two copies. To the law library

of the supreme court of this state, ten copies; the law library of St. Louis, the law library of St. Joseph, the law library of Kansas City, the law libraries of the several courts of appeals, each six copies To the clerks of the district and circuit courts of the United States, for the districts of Missouri, for the use of such courts, each two copies To the clerks of the circuit court of the city of St. Louis, one thousand copies; to the clerk of the circuit court of Jackson county, five hundred copies, and to each of the circuit clerks of other counties in this state, not less than thirty-five nor more than one hundred and twenty-five copies (for which they shall give receipts), to be disposed of and distributed by said clerk as follows: To each county officer and justice of the peace, one copy, to be by him turned over to his successor in office; the remaining copies to be sold as herein-after provided. [R.S.1919, s.7097. Amended, Laws 1929, p.247.]

H. COUNTY LIBRARIES

(Missouri Stats. Anno. 1932, v 7, p 4960-4966, s.13463-13472)

Sec 13463. **Taxpayers may petition for election, when.** Whenever one hundred (100) tax paying citizens of any county, outside of the territory of all cities and towns now or hereafter maintaining, at least in part by taxation, a public library, shall in writing petition the county court, asking that a county library district of the county, outside of the territory of all such aforesaid cities and towns, be established and be known as ".....county library district," and asking that an annual tax be levied for the purpose herein specified, and shall specify in their petition a rate of taxation not to exceed two mills on the dollar, then the county court shall, if it finds said petition was signed by the requisite number of qualified petitioners, enter of record a brief recital of such petition, including a description of such proposed county library district, and of its findings aforesaid; and shall order that the propositions of such petition be submitted to the voters of such proposed district at the next annual election to be held the first Tuesday in April; and that the clerk of the county court shall cause to be published the proposition or propositions of such petition; and said county clerk shall cause said proposition or propositions to be published in like manner, as near as may be, with the publication of "the nominations to office," as provided in section 10249 R.S.1929. Such order of court and such notice shall specify the name of the county and the rate of taxation mentioned in said petition, and such county clerk shall make and file in his office, return of service of such notice; and every voter within such proposed county library district may, in his proper district, vote "for establishing county library district," or "against establishing county library district," and may vote "for mills tax for a free county library," or "against mills tax for a free county library": Provided, that in case the boundary limits of any city or town herein above mentioned are not the same with the school district of such city or town, and such school district embraces territory outside

the boundary limits of such city or town, then all voters, otherwise qualified and residing in such school district and outside the limits of such city or town, shall be eligible to vote on any proposition or matter of such library district, submitted to the voters at such election, and may cast a vote thereon, at the nearest and most convenient district schoolhouse within said county library district. And if, from returns of such election, which shall be certified to the county court, the majority of all the votes cast on such propositions at such election shall be "for establishing county library district," and for the tax for a free county library, the county court shall enter of record a brief recital of such returns and that there has been established "county library district," and thereafter such "county library district" shall be considered and held to be established, shall be a body corporate, and known as such, and the tax specified in such notice shall, subject to provisions herein below of this section, be levied and collected, from year to year, in like manner with other taxes in the rural school districts of said county. The proceeds of such levy, together with all interest accruing on same, with library fines, collections, bequests and donations in money shall be deposited in the treasury of the county and be known as the "county library fund," and be kept separate and apart from other moneys of such county, and disbursed by the county treasurer only upon the proper authenticated vouchers of the county library board hereinafter mentioned, Provided, that such taxes shall cease, in case the regular voters of any such district shall so determine by a majority vote at any annual election held therein, after petition, order of court, and notice of such election and of the purpose hereof, first having been made, filed and given, as in the case of establishing such county library district. [Laws, 1921, p 461, s.1]

Sec 13464 Establishing free county libraries. For the purpose of carrying into effect this article, in case a county library district is established and a free county library authorized as provided in section 13463 of this article, there shall be created a county library board which shall consist of five members, the county superintendent of schools and four other members to be appointed by the county court; said superintendent to serve ex officio during his term of office, and the other members to be appointed for terms of four years each, except that the members of the first board shall be appointed for one, two, three and four years, respectively. The county court may remove any member from the board for misconduct or neglect of duty. Vacancies in the board occasioned by removals, resignations or otherwise shall be reported to the county court and be filled in like manner as original appointments. No member of the board shall receive compensation as such. Said board, immediately after the appointment by the county court of the four members of the board, shall meet and organize by the election of one of their number as president and by the election of such other officers as they may deem necessary; shall make and adopt such

by-laws, rules and regulations for their own guidance as may be expedient, not inconsistent with law; shall adopt such reasonable rules and regulations as shall render the use of said county library of the greatest benefit to the greatest number; shall, in case such library district establishes its own free county library, appoint a properly qualified librarian and necessary assistants, subject to the provisions of this act, and shall in general carry out the spirit and intent of this act in establishing and maintaining such free county library and branches thereof. [Laws 1921, p.461, s 2]

Sec 13465. Power to sue and be sued. Said "county library district" as such body corporate, by and through said county library board, shall have power to sue and be sued, to complain and defend, and to make and use a common seal, to purchase or lease grounds, to lease, occupy or to erect an appropriate building or buildings for the use of said county library and branches thereof, and to sell and convey real estate and personal property for and on behalf of the county library and branches thereof, to receive gifts of real and personal property for the use and benefit of such county library and branch libraries thereof, the same when accepted to be held and controlled by such board, according to the terms of the deed, gift, devise or bequest of such property [Laws 1921, p 461, s 3]

Sec 13466 County library board may contract Said county library board may contract with the body having control of a public library for assistance in the organization of a free county library under such terms and conditions as may be stated in such contract, or it may contract with the body having control of a public or school library already established within a county, or any other library within the state, to furnish library service to the people of the said county library district, under such terms and conditions as may be stated in such contract, and the body having control of any library within the state may contract with any such county library board within the state, to provide library service to the people of such library district under such terms and conditions as may be stated in such contract. In case a contract shall be made for services by any library now or hereafter existing, as herein provided, it shall be the duty of the county library board, by and through a member of the board, to advise and consult with the board controlling said library, with regard to the selection of books, location of branch libraries and other subjects relating to the proper management of the county library. The said county library board shall make, on or before the second Monday in June of each year, an annual report to the county court, stating the condition of their trust on the first of May of that year, a copy of which report shall, at the same time, be submitted to the Missouri library commission. Said report shall be framed in accordance with the laws governing public libraries [Laws 1921, p.461, s.4]

Sec. 13467. City or town shall be exempt, when. Whenever a free public library now or hereafter established and maintained, at least in part, by public taxation, already exists in any city or town within the territory of

the county, all property in such city or town shall be exempted from any tax levy for the support of the free county library in such county library district, and the qualified voters of such city or town shall not be permitted to vote on the proposition for establishing county library district, or on the proposition for a tax levy for establishing or maintaining a free county library. [Laws 1921, p 461, s 5]

Sec 13468 Directors may approve proposed change. After the establishment of a free county library, the board of trustees, common council or other legislative body of any incorporated city or town in the county now or hereafter maintaining a free county library as above mentioned, may after approval of such proposed change by the directors of said free county library, notify the county court that such city or town desires to become a part of the free county library system at the beginning of the next succeeding full fiscal year, and thereafter such city or town shall be a part thereof, and the inhabitants shall be entitled to the benefits of such free county library and the property within such city or town shall be liable to taxes levied for free county library purposes. Provided, the board of trustees, common council or other legislative body of such city or town, as the case may be, may petition the county court and in all other respects proceedings shall be had, as near as may be, as set forth in section 13463 herein, and the same rate of tax is had in such city or town as under the free county library system in such county. The board of trustees, common council or other legislative body, in any such incorporated city or town in a county having made provision for becoming a part of the free county library system as in section 13463 and in this section herein above provided, may at any time notify the county court that such city or town no longer desires to be a part of the free county library system, and such city or town shall, with the close of the next succeeding full fiscal year, cease to be a part of the free county library system, and the property situated in such city or town shall not thereafter be liable to taxes for free county library purposes. Provided, that the board of trustees, common council, or other legislative body of the city or town, as the case may be, shall petition the county court and otherwise like proceedings shall be had, as near as may be, as in the case of becoming a part of the free county library system, and a majority vote is cast accordingly. [Laws 1921, p 461, s 6]

Sec 13469 Free county library building; how secured. Whenever, in any county library district, which has decided or shall hereafter decide to establish and maintain a free county library under the provisions of this article, the county library board shall by written resolution entered of record, deem it necessary that a free county library building should be erected in such county and one hundred (100) taxpaying citizens of any such county library district, shall in writing petition the county court asking that an annual tax be levied at and as an increased rate of taxation for such library building and shall specify in their petition a rate of taxation not to exceed

one and one-half mills on the dollar annually, and not to be levied for more than five years on all taxable property in such county library district; then the county court shall, if it finds said petition was signed by the requisite number of qualified petitioners, enter of record a brief recital of such petition, and of its finding aforesaid, and shall order that the proposition of such petition be submitted to the voters of such county library district at the next annual election to be held on the first Tuesday in April; and that the clerk of the county court shall cause to be published the proposition of such petition and said county clerk shall cause said proposition to be published in like manner, as near as may be, with the publication of "the nominations to office," as provided in section 10249 R.S 1929. Such order of court and such notice shall specify the rate of taxation mentioned in said petition; and the county clerk shall make and file in his office return of service of such notice, and every voter within such county library district may, in his proper district, as in section 13463 of this article provided, vote "formills tax for erection of free county library building," or "againstmills tax for erection of free county library building," and if the majority of the qualified voters of such county library district voting on said proposition at such election shall vote "formills tax for erection of free county library building" the tax specified in such notice shall be levied and collected in like manner with other taxes of said county library district, and shall be known as the "county library building fund," and shall be subject to the exclusive control of said county library board and be drawn upon by the proper officers in such county upon the properly authenticated vouchers of said board, and be used for the erection of the library building. The fund hereby provided for the erection of a free county library building in such county shall be in addition to the tax levied for the establishment and maintenance of such county library [Laws 1921, p.461, s.7.]

Sec 13470. Librarians required to attend meetings. County librarians shall be required to attend state library meetings and district library institutes, the actual and necessary expenses incident thereto being a charge against the county library fund [Laws 1921, p 461, s.8]

Sec 13471. Services shall be accessible to all residents of county. The services of a free county library may be direct loan of books, pictures or periodicals, through branches, stations, school traveling libraries or book wagons, but in all cases service shall be freely accessible to all residents of the county library district. [Laws 1921, p 461, s.9]

Sec. 13472. Shall visit all free county libraries. All free county libraries established under the provisions of this act shall be visited from time to time by the secretary or organizer of the Missouri library commission, for the study of conditions, and to render such assistance as may be needed. After each such visit, said secretary or organizer shall report, in writing, to the president of the board in charge of each free county library visited, as to the existing conditions, with such recommendations as may be

deemed proper. Copy of such reports and recommendations shall be filed in the office of the Missouri library commission. [Laws 1921, p.461, s.10.]

I. SCHOOL DISTRICT LIBRARIES

(Missouri Stats Anno, v.10, p 7087, 7174, 7210, 7233, 7236, 7293, 7294; s.9215, 9333, 9361, 9422, 9428, 9541, 9542, *Ibid* 1940 Suppl, p.7071, 7285, 7287, 7293, s.9198, 9528, 9533, 9539, 9540.)

(1) SCHOOL DISTRICTS GENERALLY

Sec 9198 Borrowing money and issuing bonds; procedure; election. For the purpose of purchasing schoolhouse sites, erecting schoolhouses, library buildings and furnishing the same, and building additions to or repairing old buildings, the board of directors shall be authorized to borrow money and issue bonds for the payment thereof, in the manner herein provided. The question of loan shall be decided at an annual school meeting or at a special election to be held for that purpose. Notice of said election shall be given at least fifteen days before the same shall be held, by at least five written or printed notices, posted in five public places in the school district where said election shall be held, and the amount of the loan required, and for what purposes, it shall be the duty of the clerk to sign and post said notices. The qualified voters at said election shall vote by ballot. Those voting in favor of the loan shall have written or printed on their tickets, "For the loan"; those voting against the loan, the words "Against the loan," and if two-thirds of the votes cast on the proposition shall be "For the loan," the district board shall be vested with the power to borrow money, in the name of the district, to the amount and for the purpose specified in the notices aforesaid, subject to the restrictions of the following section. When bonds are voted under this section for the erection of one or more schoolhouses, to be erected on the same or different sites in common school districts, said bonds shall not be negotiated by said board until said bonds have been deposited with the county or township in which said district shall be situated, and upon the order of said board, and the payment to the county or township treasurer of the amount agreed to be received for the same by said board from the persons loaning said money upon said bonds. The county or township treasurer shall countersign said bonds and deliver the same to the person or persons named by said board of directors, but no such bonds shall be sold for such an amount that the net proceeds, after deducting expenses and commissions from the same, shall be less than ninety cents on the dollar of the face value thereof, and all renewal funding bonds issued by such districts, to be exchanged for outstanding bonds of said districts, or for the purpose of being sold to raise sufficient funds to pay any outstanding bonds thereof, shall not be exchanged, negotiated or sold by the board of directors of said districts except as above provided, and not until the purchase price thereof, or the bonds to be exchanged therefor, shall be turned over to the county or

township treasurer; and said treasurer shall write or print the words "Paid by renewal bonds" across the face of said bonds so received in exchange, and sign the same before delivering the said renewal bonds to said board. The said county or township treasurer and his securities shall be responsible, on his official bond, for all moneys, bonds or securities received by him under this section. [As amended L 1939, p.692, s.1.]

Sec 9215 **Condemnation of land for schoolhouse site, etc.** Whenever any district shall select, at the annual or any special meeting, one or more sites for one or more schoolhouses, or the board of education in city, town or consolidated school district, under the provisions of the statute applicable thereto, shall locate, direct and authorize the purchase of sites for schoolhouses, libraries, offices and public parks and play grounds, or additional grounds adjacent to schoolhouse site or sites, and cannot agree with the owner thereof as to the price to be paid for the same, or for any other cause cannot secure a title thereto, the board of directors, or board of education aforesaid may proceed to condemn the same in the same manner as provided for condemnation of right of way in Article 2, chapter 7, R.S 1929, and upon such condemnation and the payment of the appraisement, as therein provided, the title of such lot or land shall vest in the board of directors or board of education aforesaid for use in trust for the district and the purposes for which the same was so selected and located All laws or parts of laws in conflict with this law are hereby repealed [R S. 1919, s 1143 Amended, Laws, 1929, p.383]

(2) CITY, TOWN AND CONSOLIDATED SCHOOLS

Sec 9333. **Duties, restrictions and liabilities of boards.** The board of education of any town, city or consolidated school district shall, except as herein provided, perform the same duties and be subject to the same restrictions and liabilities as the boards of other school districts acting under the general school laws of the state Provided, however, that in cities, as hereinafter specified, the board of education shall have power to establish and maintain separate libraries and public parks and play grounds for the use of white and colored persons in such school district and for the use of the public school district therein, and to appropriate such sums as they may deem proper for the support thereof, not to exceed in any one year two thousand five hundred dollars for cities of twenty thousand and under one hundred thousand inhabitants, and not to exceed five hundred dollars for cities of five thousand and under twenty thousand inhabitants, and not to exceed two hundred and fifty dollars for cities of one thousand and under five thousand inhabitants—the population to be determined by the last United States or municipal census Such board of education is hereby authorized: To lease or purchase grounds additional to the schoolhouse site, either adjacent thereto or elsewhere in such school district, for such purposes and pursuant to the laws of eminent domain, now or hereafter in

force within this state, to condemn grounds to be used for such purposes as are herein expressed and to pay for such grounds so leased, purchased or condemned out of the revenues of such school district on hand and provided for such purposes under the Constitution and laws of said state and within the constitutional limitations and restrictions as to taxation within such school districts. To permit such use of said public parks and play grounds under their control as in their judgment may be deemed best for the interest of such school district pursuant to the provisions and for the purposes designated herein, and to hold said parks and play grounds in trust for the use of such school district and to have full control and custody thereof, including the policing and preservation of order therein, and to adopt and enforce suitable rules and regulations for the control thereof and the conduct of children and other persons while using the same, subject to the statutes of the state of Missouri and the ordinances of the city included in such school district regulating the policing and preservation of order therein All laws and parts of laws in conflict with the provisions of this section are hereby repealed. [R S. 1919, s 11243]

Sec 9361 Boards may accept gifts for libraries. The board of education shall have power to accept and receive gifts and devises for the erection and endowment of libraries and for the purchase of books, and to invest the same, and to loan such endowment fund upon the same security and in the same manner as required by law for the county or capital school fund. [R S. 1919, s 11267.]

Sec 9422 Boards in certain cities to purchase site, when. In all such school districts as are mentioned in article 4 of this chapter that have or that may hereafter have a population exceeding five thousand and not exceeding one hundred thousand inhabitants, the board of education of such school districts shall have full power, by an affirmative vote of not less than two-thirds of all the members of such board, to locate and direct and authorize the purchase of sites for schoolhouses, libraries, school offices and public parks and playgrounds adjacent to the schoolhouse site or elsewhere in said school district, and, by a like vote, to direct and authorize the sale of any real estate or other property belonging to such school districts, and if two-thirds of the members of such board shall authorize and direct the sale of such real estate, same shall be entered on record by the secretary, together with the terms of such sale, and the president of such board shall, in the name of such board, execute the necessary deed or deeds of conveyance to the purchaser or purchasers thereof, which said deeds of conveyance shall be by him acknowledged as other deeds conveying real estate are by law required to be acknowledged All laws and parts of laws in conflict with this section are hereby repealed [R S. 1919, s.11314.]

Sec. 9428. Maintenance of library. Should there be in such smaller district a library building, and a library established therein, the board of directors of the larger district, after such annexation shall have been ac-

complished, shall have the power, if they shall deem it for the best interests of the district, to maintain such building and library, and to appropriate to its support and maintenance such sums as they may deem proper. [R.S. 1919, s.11320.]

Sec. 9528. School loan; method of voting. For the purpose of purchasing sites for school houses, janitors' houses, repair buildings, and supply houses used in operation and maintenance of the schools, public library buildings containing offices of the board, art galleries and museums in such city school districts, or additional ground attached to sites already owned, and of erecting schoolhouses, janitors' houses, repair buildings, and supply houses used in operation and maintenance of the schools, and library buildings containing offices of the board, art galleries and museums, and building additions to, remodeling and reconstructing buildings existing at the time of making the loan, and furnishing same, the board of directors shall be authorized to borrow money and issue bonds for the payment thereof in the manner herein provided. The question of loan shall be decided at the biennial election for school directors or at a special election ordered by the board of directors of such district, and held at such time and places as the board of directors shall designate. Notice of said election, the amount of the loan required, and for what purpose, shall be given at least twenty days before the same shall be held, by publication in at least two newspapers printed and published in the district where the election shall be held, not less than six days in each week. It shall be the duty of the president and secretary to sign said notices. The qualified voters at said election shall vote by ballot, which shall be in the following form:

☐ FOR the loan.

☐ AGAINST the loan

A cross mark (X) in the square before the words "For the loan" shall be counted as a vote for the bonds, and a cross mark (X) before the words "Against the loan" shall be counted as a vote against the bonds. If two-thirds of the votes cast shall be "For the loan," the board shall, subject to the restrictions of the following section, be vested with the power to borrow money in the name of the district, to the amount and for the purpose specified in the notices aforesaid, and issue the bonds of the district for the payment thereof. [Amended Laws 1935, p.355, s.1. (Phillips).]

Sec 9533. Increase of tax levy for purchasing sites, etc. The board of directors of such city school district, whenever it becomes necessary, in its judgment, to increase the annual rate of taxation for the purpose of purchasing sites, additional ground attached to sites, and erecting schoolhouses, janitors' houses, repair buildings, and supply houses used in operation and maintenance of the schools, or repairing or furnishing such buildings, or a public library building containing offices of the board and furnishing

the same, or an art gallery and museum for the preservation of works of art and such collection as would properly be a part of any museum collection, for the use of the public schools of the district, shall determine the rate of taxation necessary to be levied within the maximum rates prescribed by the Constitution, and as therein limited for such purposes, and shall submit to the voters of such city school district, at the biennial election for school directors, or at a special election ordered by the board, the question whether the rate of taxation shall be increased as proposed by the board, for the purchase of sites, additional ground attached to sites, and erection of such schoolhouses, janitors' houses, repair buildings, and supply houses used in operation and maintenance of the schools and library buildings and repairing and furnishing the same, and such art gallery and museum. Notice of said election shall be given at least twenty days before the same shall be held, by publication in at least two newspapers, printed and published in the district where such election shall be held, not less than six days in each week. The voters voting at such election shall vote by ballot which shall be in the following form:

- ☐ For increase of annual rate of taxation for..... .(Stating the purpose).
- ☐ Against increase of annual rate of taxation for(Stating the purpose).

A cross mark (X) in the square before the words "For increase of annual rate of taxation for(stating the purpose)" shall be counted as a vote for the increase, and a cross mark (X) before the words "Against increase of annual rate of taxation for.. . . .(stating the purpose)" shall be counted as a vote against the increase. If two-thirds of the qualified voters of such school district voting at such election shall vote in favor of such increase for any of the purposes aforesaid, the result of such vote and the rate of taxation so voted shall be certified by the secretary of the board to the clerk of the county court of the proper county, who shall, on receipt thereof, proceed to assess the amount so returned for the purposes aforesaid on all the taxable property, both real and personal, of such city school district, as shown by the last annual assessment for state and county purposes including all statements of merchants, as provided by law. [As amended, Laws 1935, p 353, s 1. (Phillips)]

Sec. 9539. Selection of sites and sale of property. The board of directors shall have full power, by an affirmative vote of not less than two-thirds of all the members thereof, to select and direct and authorize the purchase of sites for schoolhouses, janitors' houses, repair buildings and supply houses used in operation and maintenance of the schools, libraries, school offices, art galleries and museums, and additional ground attached to sites already owned and, by a like vote, to direct and authorize the sale and transfer of any real estate or other property belonging to the district; also, by the same vote, to authorize the construction of all necessary school

houses, janitors' houses, repair buildings and supply houses used in operation and maintenance of the schools, libraries, school offices, art galleries and museums and other necessary buildings and to receive, in behalf of the school district, any grants, gifts, or devises that have been or may hereafter be made for the benefit of the district, or its schools, or any public library, art gallery or museum, under the control of the board. [As amended, Laws 1935, p.356, s 1. (Phillips).]

• **Sec 9540. Lands selected for sites may be condemned, when.** Whenever the board shall select a site for a schoolhouse or for a library and school offices, or janitors' houses, repair buildings and supply houses used in operation and maintenance of the schools, or for an art gallery and museum, or additional ground attached to sites already owned, and direct and authorize the purchase of the same, and cannot agree with the owner thereof as to the price to be paid for the same, or for any other cause cannot secure a title thereto, the board may, in the name of the district, proceed to condemn the same in the same manner as provided for condemnation of right of way in article 2, chapter 7, Revised Statutes of Missouri, 1929 And on such condemnation, and payment of the appraisement as provided, the title of the land sought to be condemned shall vest in the school district [As amended, Laws 1935, p.357, s 1 (Phillips)]

Sec. 9541 Public library; power of boards. The board of directors of any such city school district shall have power to establish and maintain a library and free reading room for the use of the school district, and to appropriate such sums as the board may deem proper for the support of said library and reading room It shall also have the power to receive and accept gifts, donations and bequests of paintings, engravings, etchings, statuary and other works of art, curios, historical relics, collections of minerals and other articles proper to a museum for use in connection with the public schools, and to appropriate such sums as may be necessary to properly care for, preserve and exhibit the same; also, to receive gifts and bequests of money and other property for use, and to use the same in increasing, preserving, maintaining and caring for such art and museum collections; and for such purpose may purchase sites and erect proper buildings for such art and museum collections Whenever such board shall file a verified statement with the county clerk, signed by such board or a majority of its members, certifying that, in its or their opinion, such art and museum collections are of the value of not less than twenty-five thousand dollars, then such board shall be empowered to submit to the voters of such city school district a proposition to vote bonds for the purpose of erecting an art gallery and museum building for the proper keeping and maintaining of such art and museum collections, which said proposition shall be submitted to the voters of such school districts under all the terms and conditions of sections 9528 and 9529 [R.S 1919, s.11429]

Sec. 9542 Board may build public library; art gallery and museum,

auditorium. The board shall have power to erect, construct and maintain, and to use for all purposes connected with or incident to the work of the public schools or library or art gallery or museum, and to let out to others for compensation, an auditorium or public hall suitable for public gatherings; and to cause the same to be erected or constructed either in connection with the building devoted to such public library, art gallery or museum, or separate therefrom, the proceeds of such rents over expenses to be used for the purchase of books for such public library [R S 1919, s.11430]

J. MUNICIPAL LIBRARIES

(1) INCORPORATED CITIES GENERALLY

(Missouri Stats Anno 1932, v 7, p 4954-4960, s 13448-13462)

Sec 13448 Library fund in cities; when tax may be levied; election, etc. When one hundred taxpaying voters of any incorporated city shall petition the mayor and common council asking that an annual tax be levied for the establishment and maintenance of a free public library in such incorporated city, and shall specify in their petition a rate of taxation, not to exceed two mills on the dollar annually, and in cities of over one hundred thousand inhabitants not to exceed two-fifths of one mill annually on all the taxable property in the city, such mayor and common council shall direct the proper officer to give notice in his next legal notice of the annual election, or special election, which may be called for the purpose of voting on such question, that at such election every voter may vote "for a mill tax for a free public library," or "against a mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition, and if the majority of votes cast on such proposition shall be "for the tax for the free public library," the tax specified in such notice shall be levied and collected in like manner with other general taxes of such incorporated city, and shall be known as the "library fund": Provided, that such tax shall cease in case the legal voters of any such incorporated city shall so determine by a majority vote at any annual election held therein [R S 1919, s 7191]

Sec 13449 Directors. When any incorporated city shall have decided to establish and maintain a public library and reading room under this article, the mayor of such city shall, with the approval of the legislative branch of the municipal government, proceed to appoint a board of nine directors for the same, chosen from the citizens at large, with reference to their fitness for such office; and no member of the municipal government shall be a member of said board [R.S 1919, s 7192]

Sec. 13450 Term of office; removal. Said directors shall hold office, one-third for one year, one-third for two years and one-third for three years from the first of June following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the

mayor shall, before the first of June of each year, appoint, as before, three directors, who shall hold office for three years and until their successors are appointed. The mayor may, by and with the consent of the legislative branch of the municipal government, remove any director for misconduct or neglect of duty [R.S.1919, s.7193.]

Sec. 13451 Vacancies in board, how filled; no compensation to directors; employes, who qualified. Vacancies in the board of directors, occasioned by removals, resignations or otherwise, shall be reported to the city council and be filled in like manner as original appointments, and no director shall receive compensation as such, and no person shall be employed by such board of library directors who is related either by blood or by marriage to any director of said board. [R.S.1919, s.7194.]

Sec. 13452. Organization; powers of directors; funds. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance, and for the government of the library and reading room, as may be expedient, not inconsistent with this article. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose. Provided, that all moneys received for such library shall be deposited in the treasury of said city or village to the credit of the library fund, and shall be kept separate and apart from other moneys of such city or village, and drawn upon by the proper officers of said city or village, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of the said library, shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall in general carry out the spirit and intent of this article in establishing and maintaining a public library and reading room [R S 1919, s.7195]

Sec. 13453. Who may use library. Every library and reading room established under this article shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt in order to render the use of said library and reading room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules; and said board may extend the privileges and use of such library and reading room to persons residing outside of such city in this state, upon such terms and conditions as said board may, from time to time, by its regulations, prescribe [R S.1919, s.7196.]

Sec. 13454. Annual report, what to contain. The said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of May of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift or otherwise during the year; the number and general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit [R S.1919, s 7197.]

Sec 13455 Council may provide penalties. The city council of said city or village shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library [R S 1919, s 7198]

Sec. 13456. Donations. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this article, to be held and controlled by such board, when accepted according to the terms of the deed, gift, devise or bequest of such property, and as to such property the said board shall be held and considered to be special trustees. [R S 1919, s.7199]

Sec 13457 Proceedings in village or township. When fifty legal voters of any incorporated village or township shall petition the proper authorities, asking that an annual tax may be levied for the establishment and maintenance of a free public library in such village or township, and shall specify in their petition a rate of taxation not to exceed two mills on the dollar, such officers shall, in the next legal notice of the regular annual election in such village or township, give notice that at such election every voter may vote "for a mill tax for a free public library," or "against a mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition, and if the majority of all the votes cast in such village or township shall be "for the tax for a free public library," the tax specified in such notice shall be levied and collected in like manner with other general taxes of said village or township, and shall be known as the "library fund": Provided, that such tax shall cease in case the legal voters of any such village or township shall so determine, by a majority vote, at any annual election held therein, and the corporate authorities of such villages or townships may exercise the same powers conferred upon the corporate authorities of cities under this article [R.S.1919, s.7200]

Sec. 13458. Election of directors, etc. At the next regular election after

any town, village or township shall have voted to establish a free public library, there shall be elected a library board of six directors, one-third for one year, one-third for two years, and one-third for three years; and annually thereafter there shall be elected two directors, who shall hold their office for three years, and until their successors are elected and qualified, which board shall have the same powers as by this article are conferred upon the board of directors of free public libraries in cities. [R.S.1919, s.7201.]

Sec 13459 Library; county court of certain counties may contract with officers of, etc.; when. The county court in any county wherein is situated an incorporated city containing a free public library, whenever petitioned by one hundred or more taxpaying citizens of said city, and one hundred or more taxpaying citizens of said county, residing outside of said city, for the use by the citizens of said county residing outside of said city of said library, shall have the right to contract with the officers of said library for such use thereof by said citizens of said county residing outside of the city, and to appropriate moneys from the county revenue of said county therefor, and thereafter to continue such contract or renewals thereof from year to year. Provided, that the annual amount so contracted to be paid and appropriated shall not exceed three per cent of the county revenue for the year out of which payment is to be made [R S 1919, s.7202.]

Sec 13460 How library building fund may be created; election, how and when ordered. Whenever in any incorporated city which has decided or shall hereafter decide to establish and maintain a public library and reading room under the provisions of this article one hundred taxpaying voters of any such incorporated city shall petition the proper authorities, asking that an annual tax be levied as an increased rate of taxation for the erection of a free public library building in such incorporated city, and shall specify in their petition a rate of taxation not to exceed one and one-half mills on the dollar annually, and not to be levied for more than five years on all taxable property in such incorporated city, and the board of directors of the free public library of such incorporated city shall deem it necessary that such library building should be erected, and so express its opinion by resolution, then the proper authorities of such incorporated city shall in the next legal notice of a regular election in such incorporated city give notice that at such election every voter may vote for an annual increased rate of taxation for . . . years of . . . mills tax per annum for the erection of a free public library building, specifying in such notice the rate of taxation mentioned in such petition and the period for which it is to be levied, and if two-thirds of the qualified voters of such incorporated city voting at such election shall vote "for the increased tax for the erection of a free public library building" the tax specified in such notice shall be levied and collected in like manner with other general taxes of said incorporated city, and shall be known as "the library building fund," and shall be subject to the

exclusive control of said board, and be drawn upon by the proper officers of such city upon the properly authenticated vouchers of said board, and be used for the erection of the library building. The fund hereby provided for the erection of a free public building in any such incorporated city shall be in addition to the annual tax levied for the establishment and maintenance of such free public library [R S 1919, s 7203]

Sec 13461 Plans and specifications to be prepared and contract let. When it shall have been determined at such election to provide for the erection of a free public library building, as hereinbefore provided, the board of directors of such public library shall proceed to have plans and specifications of a public library building prepared, and shall then take bids thereon for the construction of said building and shall let the contract therefor to the lowest and best responsible bidder, and shall require of such bidder securities for the performance of his bid. The board may, however, let parts of the material or labor for the erection of the building to different bidders, as to it may seem best [R S 1919, s 7204]

Sec 13462 Board empowered to sell or exchange lot. Wherever the board of directors of any public library shall have acquired, or shall hereafter acquire, a lot or tract of land, and said board may determine that it is not judicious to erect the library building upon such lot, said board is empowered to sell or exchange such lot and to use the proceeds of such sale or exchange for the purposes of a site for a library building, or for the erection of a library building on any other land purchased or leased by or donated to said board and which it may deem suitable to said building: Provided, sections 13460, 13461 and 13462 shall not apply to cities under ten thousand inhabitants [R S 1919, s 7205]

(2) CITIES OF FIRST CLASS (75,000 TO 150,000)

(Missouri Stats Anno 1932, v 8, p 5428-5431, s 6377-6386)

Sec 6377 Public library and board of directors. There is hereby established within and for any city of the first class a public library, and the mayor of any such city shall appoint, as other officers are appointed, a board of nine directors, to be known as the directors of the public library, chosen from the citizens at large with reference to their fitness for such office. No person holding any other office in the municipal government shall be a member of said board. The members of said board shall serve without compensation [R S 1919, s 7880]

Sec. 6378 Funds for maintenance. The mayor and common council in all cities of the first class, shall annually out of the general revenue of said city, apportion and appropriate all moneys necessary for the proper maintenance and support of public libraries in said city, provided that the amount so apportioned shall be appropriated in equal monthly installments and the amount so appropriated shall not be less than fifty-five thousand dollars

(\$55,000.00) for any one fiscal year for all purposes. [R S.1919, s.7881. Amended, Laws 1921, p 509, 1923, p.270.]

Sec 6379 Terms of office of directors; appointment by the mayor. The first directors of the public library appointed hereunder shall hold office, one-third for one year, one-third for two years and one-third for three years, from the first day of June following their appointment, and at their first regular meeting shall cast lots for their respective terms, and annually thereafter the mayor shall, before the first day of June, appoint three directors, who shall hold office for three years and until their successors are appointed and qualified. Provided, that if, at the time of the adoption by any city of the laws governing cities of the first class, there be in such city a library board consisting of nine members appointed under any general library law of the state, such directors shall continue until their terms expire under the then existing appointments. The mayor may remove from office any director, as other appointive officers of the city are removed, for misconduct or neglect of duty [R S 1919, s 7882]

Sec 6380 Vacancies, how filled. Vacancies in the board of directors, occasioned by removal, resignation or otherwise, shall be reported to the city council, and be filled in like manner as original appointments. No person shall be employed by such board of directors who is related by blood or marriage to any director of said board [R S 1919, s 7883]

Sec 6381 Board to organize; powers of directors. Said directors of the public library shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of a secretary and a treasurer, and such other officers as they may deem necessary, and such election of such officers shall be held annually thereafter at such time as may be ordered by the library directors in their by-laws. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library, branch libraries and reading rooms as may be expedient, not inconsistent herewith. They shall have exclusive control of all the moneys collected to the credit of the library fund and of the construction and equipment of any library building, and the supervision, care and custody of the grounds, rooms and buildings constructed, leased or set apart for that purpose, and of the purchase of books and all supplies necessary in the conduct of a public library. Said directors of the library shall have power to purchase or lease ground, to occupy, lease or erect an appropriate building or buildings for the use of said library, or branches or reading rooms thereof—and all such cities of the first class have the right and power upon the recommendation of the directors of public libraries to condemn land or sites to be used for the erection of public libraries thereon, which land may be acquired by condemnation in the same manner as other land for other public purposes is acquired and may provide for the payment of such land and the erection of buildings thereon for public libraries and reading rooms by apportioning money out

of the general revenue fund of such city, or by the issuance and sale of public improvement bonds for that purpose as other public bonds are issued by such city and shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent herein establishing and maintaining a public library, branches and reading rooms: Provided, that public libraries may be erected by said board by and with the consent of the board of park commissioners upon lands now acquired or which may afterwards be acquired for park purposes in cities to which this section applies [R S 1919, s 7884 Amended, Laws 1927, p 335]

Sec 6382 Libraries to be free to the public; rules and regulations. Every library, branch or reading room established hereunder shall be forever free to the use of the inhabitants of such city, always subject to such reasonable rules and regulations as the library directors may adopt, in order to render the use of said library, branches and reading rooms of the greatest benefit to the greatest number, and said library directors shall exclude from the use of said library, branches and reading rooms any and all persons who shall willfully violate such rules, and said library directors may extend the privileges and use of such library, branches and reading rooms to persons residing outside of such city in this state upon such terms and conditions as said library directors may, from time to time, by its regulations, prescribe [R S 1919, s 7885]

Sec 6383 Annual report to be made. The said library directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of May of that year, the various sums of money received from the library fund and from other sources, and how much moneys have been expended, and for what purposes, the number of books and periodicals on hand, the number added by purchase, gift or otherwise during the year, the number and general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest All such portions of said report as relate to the receipt and expenditures of money, as well as the number of books purchased, shall be verified by affidavit. [R S 1919, s.7886.]

Sec 6384. Treasurer to give bond; accounts to be kept. The treasurer of the library board shall be required to give bond in such sum as may be required by the library board He shall be the custodian of petty funds received from books, penalties and miscellaneous sources, all bequests of money, unless otherwise directed by the library board, and shall make disbursements from the same only on the order of said library board, as evidenced by orders, countersigned by the president and secretary thereof. In his annual report to the library board the treasurer shall report receipts and disbursements [R S 1919, s 7887]

Sec. 6385 Punishment for injury to library property. The mayor and

common council of any such city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or grounds or other property thereof, and for injury to or failure to return any book belonging to such library. [R.S.1919, s.7888.]

Sec 6386 **Acceptance of donations.** Any person desiring to make donations of money, personal property or real estate for the benefit of such library shall have the right to vest the title to the money or real estate so donated in the board of directors created under this article, and to be held and controlled by such board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the said board shall be held and considered to be special trustees. [R.S.1919, s.7889.]

(3) CITIES OF SECOND CLASS (30,000 TO 75,000)

(1940 Suppl, Missouri Stats Anno. 1932, v 8, p 11, s 6486 [XXXVII])

Sec. 6486 **General corporate powers.** Every city of the second class shall have power, by ordinance, not inconsistent with the Constitution, or any law of this state, or of this article.

XXXVII. To acquire by condemnation, purchase, gift, lease or otherwise, property real and personal within such city or beyond the limits thereof, and to establish, construct, maintain, add to, equip, improve, own, control, regulate, and operate libraries, art galleries, museums, and all other public buildings, places, works, equipments, and institutions and all public utilities not herein enumerated and everything required therefor, and to sell, convey and encumber the same

(4) CITIES OF THIRD CLASS (3,000 TO 30,000)

(Missouri Stats Anno 1932, v 8, p 5637, s 6834)

Sec 6834 **May issue bonds for certain purposes; how issued; vote; limitations.** The city council is hereby authorized and empowered to provide for the purchase of ground, and the erection of city halls, fire stations, assembly halls, memorial halls, convention halls, public library, hospital buildings, equipment and other buildings and the improvement thereof, and for the payment of the same, and also for all necessary work of improvement specified in this article, by the issue of bonds or otherwise, subject, however, to the conditions and limitations herein specified. No city shall be allowed to become indebted in any manner or for any purpose to any amount exceeding in any one year the income and revenue provided for such year, without the assent of two-thirds of the voters of such city, voting at an election to be held for that purpose, nor in any case requiring such assent shall any indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for state and county purposes, previous to the incurring of such indebtedness. Provided, that any

city in incurring any indebtedness requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for payment of the principal thereof within twenty years from the date of contracting and incurring such indebtedness and may provide by ordinance the manner of conducting said election under this section, and ascertaining the result of the same. [R.S. 1919, s 8316. Amended Laws 1923, p 282; 1925, p.300]

(5) CITIES UNDER SPECIAL CHARTERS

(Missouri Stats Anno. 1932, v 8, p.5891, s 7330)

Sec. 7330 **May sell, lease, etc., when and how.** Any such city may acquire, by condemnation, purchase, gift, lease or otherwise, property, real and personal, within such city or beyond the limits thereof, and establish, construct, maintain, add to, equip, improve, own, control, regulate and operate libraries, art galleries, museums, * * * and all other public buildings, places, works, equipments and institutions. * * * [R.S.1919, s 8744.]

(6) CITIES OF MORE THAN 300,000 POPULATION

(Missouri Stats Anno 1932, v 7, p 4966-4968, s 13473-13478)

Sec 13473. **Public library in cities of over 300,000 inhabitants; directors.** When any incorporated city containing over three hundred thousand inhabitants shall have decided to establish and maintain a public library and reading room under this article, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large, with reference to their fitness for such office; and no member of the municipal government shall be a member of said board. Provided, that not more than five of such directors shall be members of the same political party. [R.S.1919, s 7206.]

Sec. 13474. **Term of office; removal.** Said directors shall hold office, one-third for one year, one-third for two years and one-third for three years, from the first of June following their appointment, and at their first regular meeting shall cast lots for their respective terms, and annually thereafter the mayor shall, before the first of June of each year, appoint, as before, three directors, who shall hold office for three years, and until their successors are appointed The mapor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty [R S 1919, s 7207.]

Sec. 13475 **Vacancies; no compensation.** Vacancies in the board of directors, occasioned by removals, resignation or otherwise, shall be reported to the mayor, and be filled in like manner as original appointments, and no director shall receive compensation as such. [R.S.1919, s 7208.]

Sec. 13476. **Duty of board of directors; appointment of officers; powers,**

etc. Said directors shall be known and styled in their corporate name as the board of directors of the public library, and in such name may exercise the powers hereinafter granted. They shall, immediately after appointment, meet and organize by the election of one of their number as president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance, and for the government of the library and reading room, as may be expedient, not inconsistent with this article. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose. Provided, that all moneys received for such library shall be deposited in the treasury of said city, to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase, hold or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of the said library, and to issue bonds, secured by deed of trust on any land of which they may be possessed, for the purpose of erecting library buildings, and for no other purpose, and all property by such board purchased, or otherwise obtained, shall vest in such board as a body corporate, and be held by it in trust. They shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees, and shall, in general, carry out the spirit and intent of this article in establishing and maintaining a public library and reading room [R S 1919, s 7209]

Sec 13477. Board shall make annual report to mayor; contents. The said board of directors shall make, on or before the second Monday in June, an annual report to the mayor, stating the condition of their trust on the first day of May of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended and for what purposes, the number of books and periodicals on hand, the number added by purchase, gift or otherwise, during the year, the number and general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit. [R.S.1919, s 7210.]

Sec. 13478. Penalties, how imposed. The said cities shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or other property

thereof, and for injury to or failure to return any book belonging to such library. [R.S.1919, s.7211.]

K. INCORPORATED LIBRARIES

(Missouri Stats. Anno 1932, v 3, p 2291, 2296, 2326, s 4999, 5006, 5071.)

Sec. 4999. What associations may incorporate. Any association formed for benevolent purposes, including any purely charitable society, hospital, asylum, house of refuge, reformatory and eleemosynary institution, fraternal-beneficial associations, or any association whose object is to promote temperance or other virtue conducive to the well-being of the community, and, generally, any association formed to provide for some good in the order of benevolence, that is useful to the public, may become a body corporate and politic under this article, any association, congregation, society or church organization formed for religious purposes, and any association formed to provide or maintain a cemetery, any school, college, institute, academy or other association formed for educational or scientific purposes, including therein any association formed specially to promote literature, history, science, information or skill among the learned professions, intellectual culture in any branch or department, or the establishing of a museum, library, art gallery, or the erection of a public monument, and in general, any association, society, company or organization which tends to the public advantage in relation to any or several of the objects above enumerated, and whatever is incident to such objects, may be created a body corporate and politic by complying with sections 4996 and 4997 [R S 1919, s 10267]

Sec 5006 This section may be incorporated in charter, when; purpose and effect. Any association or society formed for educational purposes as classified in section 4999, and as hereinafter limited, located in any city or town, may elect to provide in its articles of agreement by incorporating this section in such articles, and in other respects conforming them thereto, that such corporation shall be, in all that relates to its property and all such as it may acquire, a quasi trustee for the public, and as such may receive and take by deed or devise in its corporate capacity, any property, real and personal, in trust for the uses and purposes for which such corporation was formed, and execute any trust so created. Provided, that this section shall apply only, and it is hereby expressly limited, to such association or society as may be formed for the purpose of promoting historical studies or natural science, of establishing a museum, library or an art gallery, such educational and scientific purposes being chiefly for the advantage of the public where such corporation is located, and provided furthermore, that no corporation in whose charter is incorporated this section shall be permitted to amend such charter or to take advantage or avail itself of any change in the general law, in such way as to affect this section, and such charter shall be taken as a perpetual contract between

such corporation and the public. It shall not be lawful for such corporation to create or contract any debt or pecuniary obligation in the nature of a debt; and any attempt to create or contract any such debt or obligation shall be, ipso facto, void. Nor shall any such corporation mortgage, or deed in trust, any of its property, or sell any such property, except by way of exchange for property of equal value, or for reinvestment. If any such corporation dissolve, its property shall be vested in the city or town in which such corporation is located, to be taken and held for the benefit of the people of such city or town, to the same purposes, uses and trusts as such property was held by such corporation. Membership in such corporation shall be open to the public, under such reasonable rules and regulations as the corporation may prescribe in its by-laws. Every such corporation shall create and maintain an endowment fund, to remain perpetually intact, that means may thereby be provided for the stability and support of the corporation; and to this end all moneys voluntarily contributed as life membership, and by persons not residents of the locality where such corporation is located, who desire to be registered as members, and one-fourth of the current subscriptions from memberships, shall be set apart, until the moneys derived from these sources, together with such as lawfully come into such endowment fund from other sources, shall amount in the aggregate to at least two hundred thousand dollars. Such endowment fund may be invested in bonds of the United States, or of this state, or of the city or county in which the corporation is located, or in loans secured by mortgage on improved real estate situated in this state, but shall not be invested in securities or stock of any private trading or manufacturing corporation, or of any railroad company, or on any personal security, and the principal thereof shall not be encroached upon or expended by such corporation for any purpose. The museum, gallery and cabinets of such corporation shall be open to the public of this state, under such reasonable regulations as may from time to time be prescribed, and the contents of such museum, gallery or cabinets, or any portion thereof, shall not be loaned or taken out for exhibition or other purpose, on any pretext whatever. Any existing corporation formed for purposes within the purview of this section, and whose charter is in harmony therewith, shall be empowered to adopt the same as an amendment to such charter, under the provisions of section 5000 [R.S 1919, § 10274]

Sec 5071. Purposes for which corporation may be created. Corporations may be created under this article for any one or more or all of the following purposes, to-wit: First, to inaugurate and hold national, international or world's fairs, centennial and other expositions, either commemorative of any historical event, or for the purpose of promoting improvement in the arts and sciences, professions and trades, by the exhibition of products of the arts, industries and manufactures, and of the soil, mine and sea, or for all of said purposes, second, to promote and encourage literature,

history, science, information or skill among the learned professions, intellectual culture in any branch or department or the establishment of museums, libraries, art galleries or the erection of public monuments, commemorative of state or national historical events or persons, or for all of said purposes, third, in general to promote, establish and maintain any institution or organization which tends to the public benefit in relation to any or several or all of the objects above enumerated and whatever may be incidental thereto. Provided, that the powers conferred by subdivisions second and third of this section shall not be exercised by any corporation organized under this article unless the main purposes of the organization of such corporation shall be those specified in subdivision first of this section [R S 1919, s.10344]

L SCHOOL LIBRARIES

(Missouri Stats Anno 1932, v 7, p 4953, s 13445-13447)

Sec 13445 State library board created There is hereby created a state library board to consist of five members, four of whom shall be appointed by the state board of education to serve for four years and until their successors are appointed. The state superintendent of schools shall be a member and ex officio chairman [R S 1919, s 7188]

Sec 13446 Shall select lists of books for school libraries; may make contract with publishers; duties of state superintendent of schools. The state library board shall select, classify and recommend a list of suitable books for school libraries, supplementary reading and school reference books. Said list shall contain not less than forty suitable books to supplement the regular schoolroom work in each of the following lines: Reading, literature, history, geography and nature study, or practical agriculture. They shall enter into contract with the publishers of the selected books to furnish them, transportation charges prepaid, at the lowest possible cost to the districts. Provided, that said list may be revised every two years by said board. It shall be the duty of the state superintendent of public schools to publish and distribute to the district clerks of the state a classified list of selected books, setting forth contract price of each [R S 1919, s 7189]

Sec. 13447 District school boards shall set aside fund for purchase of library. For the purpose of purchasing school libraries, supplementary and reference books, district boards of directors shall set aside, out of the levy made for incidental purposes, not less than five nor more than twenty cents per pupil enumerated in the district each year, which shall be spent under the direction of the board in purchasing books from the list selected: Provided, that books other than those selected may be purchased after one hundred volumes have been purchased from the selected list of library books [R S.1919, s 7190]

M. COUNTY LAW LIBRARIES

(Missouri Stats. Anno 1940, v 4, p.2634-2635, s.2044a-2044f.)

Sec 2044a Deposits at time of filing suit in addition to deposits heretofore required. In all counties now or hereafter containing more than 95,000 and less than 150,000 inhabitants, the attorney or attorneys for any party filing suit in the circuit court of such county shall at the time of filing said suit, deposit with the clerk of said court the sum of one dollar (\$1 00) in addition to all deposits now or hereafter required by law or court rule, and no summons shall be issued until said deposit has been made, provided, that this act shall not apply to actions sent to said county on change of venue or on appeal from inferior courts, or to suits, civil or criminal, filed by the county or state or any city [L 1935, p 221, s 1]

Sec 2044b. Deposit to be used for maintenance and upkeep of county law library. On the first day of each month said circuit clerk shall pay the entire fund created by said deposits during the preceding month to the judge or judges of the circuit court of the county in which such deposits were made, or to such person as the judge or judges of the circuit court of said county may designate as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the judge or judges of the circuit court of any such county for the maintenance and upkeep of the law library maintained by the Bar Association in any such county, or such other law library in any such county as may be designated by the judge or judges of the circuit court of any such county, provided, that the judge or judges of the circuit court of any such county, and officers of all courts of record of any such county and all attorneys licensed to practice law in any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied [L 1935, p 221, s 2 (Smith)]

Sec 2044c Return of deposit to prevailing party. If in any suit in which a deposit is provided for under Section 1 of this act, the party filing the suit shall prevail, the amount of said deposit required at the time of filing said suit shall be taxed as costs against the attorney or attorneys representing the defendant or defendants in said suit, and, upon collection thereof, shall be paid by the circuit clerk to the attorney making such deposit [L 1935, p 221, s 2 (Smith)]

Sec. 2044d. Counties 70,000 to 80,000—deposit, when filing suit, for law library. In all counties now or hereafter containing more than 70,000 and less than 80,000 inhabitants, the attorney or attorneys for any party filing suit in the circuit court of such county shall at the time of filing said suit, deposit with the clerk of said court the sum of one dollar (\$1.00) in addition to all deposits now or hereafter required by law or court rule, and no summons shall be issued until said deposit has been made, provided, that this act shall not apply to actions sent to said county on change of venue or on

appeal from inferior courts, or to suits, civil or criminal, filed by the county or state or any city. [Laws 1937, p 219, s.1.]

Sec. 2044e. Disposition and use of funds—use of library. On the first day of each month said circuit clerk shall pay the entire fund created by said deposits during the preceding month to the judge or judges of the circuit court of the county in which such deposits were made, or to such persons as the judge or judges of the circuit court of said county may designate as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the judge or judges of the circuit court of any such county for the maintenance and upkeep of the law library maintained by the Bar Association in any such county, or such other law library in any such county as may be designated by the judge or judges of the circuit court of any such county, provided, that the judge or judges of the circuit court of any such county, and the officers of all courts of record of any such county and all attorneys licensed to practice law in any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied [Laws 1937, p 219, s 3]

Sec. 2044f. Return of deposit to prevailing party. If in any suit in which a deposit is provided for under Section 1 of this act, the party filing the suit shall prevail, the amount of said deposit required at the time of filing said suit shall be taxed as costs against the attorney or attorneys representing the defendant or defendants in said suit, and, upon collection thereof, shall be paid by the circuit clerk to the attorney making said deposit [Laws 1937, p 219, s 3.]

MONTANA

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A. STATE LAW LIBRARY AND STATE HISTORICAL SOCIETY

(Rev Code of Montana, 1935, v 1, p 477-478, 919-924, s 440, 1547-1567, *Ibid*
v 4, p 63, s 8960, Laws, 1939, p 377, ch 156, s 2, amending s 1556, Laws, 1941,
p 131, ch 79, s 1-2)

Sec 1547 **What constitutes state library.** The books, pamphlets, papers, maps, charts manuscripts, paintings, engravings, and other property belonging to the state, in the Montana library, and all that may be added thereto, constitute the state library of Montana [Mont Laws, 1881, p 60, Ap p s.1, am s 1515, 5th Div Comp. Stat 1887]

Sec 1548. **Departments and control.** The state library consists of two separate departments. First, the law library, second, the historical and miscellaneous library. The former is under the control of a board of seven trustees, of which the chief justice and the associate justices of the supreme court shall be ex-officio members, the secretary of state, and state auditor, of which board the chief justice is president and the secretary of state secretary. The latter shall be under the control of the board of five trustees, appointed by the governor with the advice and consent of the senate. The members of both boards shall serve without compensation, and the term of those not serving ex officio shall be for two years, and until their successors are appointed and qualified. [Mont Pol Code, 1895, s 2381]

Sec 1549. **Powers and duties of trustees.** The powers and duties of said boards are as follows

(1) To make rules and regulations, not inconsistent with law, for their own government and for the government of the libraries committed to their care

(2) Till otherwise provided, to rent suitable rooms for the libraries, and provide necessary furniture, fuel, and light for the same

(3) To appoint their respective librarians and prescribe their duties, not otherwise provided for

(4) To sell or exchange duplicate copies of books and pay the money arising therefrom into the library fund of the department to which it belongs.

(5) To see that the books and other property of the respective departments are in order and repair

(6) To draw from the state treasury, at any time when needed for legitimate and authorized expenses, any moneys belonging to the fund of their respective departments

(7) To report to the governor biennially a statement of all important transactions, with suggestions of what they deem necessary for the increased utility of their respective departments [Mont. Pol. Code, 1895, s.2382]

Sec 1550 Librarian. The librarian holds his office for the term of two years, unless sooner removed by a majority vote of the trustees [Mont Pol. Code, 1895, Sec 2383]

Sec 1551 Duties of librarian. It is the duty of the librarian of each department

(1) To be in attendance at the library during office hours

(2) To purchase, under the direction of the trustees, all books, maps, engravings, paintings, furniture, and supplies for the libraries

(3) To number and stamp all books, maps, papers, and pamphlets belonging to the library, and keep a catalogue thereof, and, as the means are provided therefor, to have the same printed and distributed, under the direction of the trustees

(4) To have bound all books, pamphlets, and papers when directed thereto

(5) To keep a register of all books and property belonging to the libraries, the additions made each year, and the cost thereof

(6) To keep a register of all books or other property taken from the library under the authority of the trustees.

(7) To establish and maintain a system of domestic and foreign exchange of books, maps, or other publications, and to obtain from the secretary of state such numbers of all state publications as may be needed to supply the demands of the system established. [Mont. Pol. Code, 1895, s.2384]

Sec. 1552. Use of books. All persons during library hours are permitted to examine the libraries and their contents. During sessions of the legislative assembly the members thereof may take books from the libraries, and

state officials may do so at any time. Law books may be taken from the library to the courtroom by any attorney, and returned the same day. Such books belonging to the historical and miscellaneous department of the state library, other than reference books, as could be readily replaced in case of loss, may be loaned to any citizen of the state, who shall place such guarantee with the librarian of this department for the safe return of the same as the library board may demand, and who shall pay the cost of transportation of the book or books to and from the borrower; provided, that no book that could not be readily replaced in case of loss shall be removed from said library except by state officials, and by them only in pursuit of their official duty. [Mont. Pol Code, 1895, Ap. p s 2385; amd s 1, Ch 81, Laws 1905]

Sec. 1553. When to be returned. Books taken by members of the legislative assembly must be returned at the close of the session, and before the state auditor draws his warrant in favor of any member of the legislative assembly for his last week's salary, he must be satisfied that such member has returned all books taken by him and paid for any injuries thereto [Mont. Pol Code, 1895, s.2386]

Sec. 1554. Books taken by state officers. The state auditor, if notified by the librarian that any officer has failed to return books taken by him within the time prescribed by the rules, and after demand made, must not draw his warrant for the salary of such officer until the return is made, or three times the value of the books, or of any injuries thereto, has been paid to the librarian. [Mont Pol Code, 1895, s 2387]

Sec. 1555 Liability for injuries to books. Every person who injures or fails to return any book taken is liable to the librarian in three times the value thereof, if such book is not replaced by a new one [Mont Pol. Code, 1895, s 2388]

Sec. 1556 Library funds. The fund of the law library department of the state library consists of fifty per cent of all fees collected and into the state treasury by the clerk of the supreme court, and any appropriations especially made for this department by the legislative assembly; if any part of said fund be not expended in any year, said balance shall not be covered back in the general fund at the end of the fiscal year, but the same shall be reserved and set apart as a surplus fund for the purchase of books for the law library, and the board of trustees of the law library department of the state library is hereby empowered and authorized to draw from the state treasury, at any time when needed for the purchase of additional books, any moneys belonging to said surplus fund. The fund of the historical and miscellaneous department of the state library consists of the receipts from the sale of any of its publications authorized to be sold, and of any appropriations especially made in its behalf by the legislative assembly." [Mont. Laws, 1939, p.377, Ch.156, s 2]

Sec. 1557 Library hours. During the sessions of the legislative assembly, and of the supreme court, the library must be kept open every day

from nine o'clock a m. until nine o'clock p m., and at other times as the trustees may direct. [Mont Pol Code, 1895, s.2390.]

Sec 1558. Salaries. The annual salary of the librarian of the law library shall be twenty-five hundred dollars, and librarian of historical library twenty-one hundred dollars, payable monthly out of the general fund of the state treasury. [Mont Laws, 1907, Sec.1, Ch 77]

Sec 1559. Bond of librarian. The librarian must execute an official bond in the sum of one thousand dollars, to be approved by the governor and deposited with the secretary of state [Mont Pol Code, 1895, Sec 2392.]

Sec. 1560. Historical department. In addition to the duties prescribed in the foregoing sections the librarian of the historical and miscellaneous department shall, under the direction of the trustees thereof

(1) Procure by purchase, exchange, or donation, as far as means and opportunity allow, all books, writings, lectures, letters, journals, and narratives of pioneers, as well as autographs, photographs, maps, and charts illustrative of or relating to the history of Montana as a territory or state.

(2) He shall also procure specimens of the metals and minerals, of the flora and fauna of the state, together with natural curiosities and antiquities, preserving, designating, and displaying the same under rules prescribed by the trustees

(3) He shall procure copies of all newspapers published in the state, also so far as possible of all books, magazines, pamphlets, written or published in the state, and have the same suitably bound for reference and preservation

(4) He shall each year publish a volume of transactions and contributions, under the supervision of the trustees, who shall also direct the distribution of the same to promote exchanges and secure additions to the library. [Mont Pol Code, 1895, s 2393]

Sec 1560 1 Historical society of Montana authorized to adopt seal. The historical society of Montana, be, and the same is hereby authorized to adopt and use an official seal for the purpose of authenticating the acts of said society and for all other purposes for which the use of a seal by said society may be deemed proper [Mont Laws, 1927, Sec 1, Ch 13]

Sec 1560 2. Specifications of seal. The design of the seal of said historical society of Montana shall be substantially as follows: A central group representing a covered immigrant wagon drawn by two yoke of oxen, showing prairie in the foreground, mountains in the background, and directly beneath it the figures "1865" Said seal shall be two inches in diameter and surrounded by the words, "Historical Society of Montana Seal" [Mont Laws, 1927, s 2, Ch 13]

Sec. 1561 Expenses for freight, etc., how paid. The librarian of either department of the state library is authorized to pay reasonable freight, express, and mail charges upon books or other articles sent to the library by

the general, state, or foreign governments or private parties, taking proper vouchers therefor, and upon presentation of such vouchers to the board of examiners and the allowance thereof, the same must be paid out of the state treasury from the particular library fund to which they are chargeable. [Mont. Pol Code, 1895, s.2394.]

Sec 1562 Other expenses, how paid. All accounts for the rent of library rooms, fuel, light, and other necessities, and for the purchase and printing of books, furniture, and fixtures, must be made out by the librarian and approved by the state board of examiners, and paid out of the state treasury from the library fund to which they are properly chargeable [Mont Pol Code, 1895, s.2395]

Sec. 1563 Library historical society of Montana. Whenever the historical society of Montana has donated and turned over to the state all books, papers, and other property owned by such society, the board of trustees of the historical and miscellaneous department of the state library must take charge of the same, and may make all proper rules in regard to the custody and management of the same [Mont Pol Code, 1895, s 2397]

Sec 1563.1 Designation of historical society of Montana. The historical and miscellaneous library shall hereafter be known as and called the historical society of Montana [Mont Laws, 1923, s 1, Ch 57]

Sec 1564 Assistants to librarian of historical library. The librarian of the historical and miscellaneous department is hereby authorized and empowered to engage and employ two assistant librarians for said department at an annual salary as follows The first assistant librarian shall receive a salary of twelve hundred dollars per annum and the second assistant librarian shall receive a salary of twelve hundred dollars per annum, payable monthly out of the general fund of the state treasury The librarian of said department and each assistant shall be persons educated and experienced in library work, and shall be of good moral character [Mont Laws, 1907, s 3, Ch 77, s 1227, Rev Code, 1907]

Sec 1565 Law librarian to index session laws It shall be the duty of the state law librarian to prepare a suitable index of all the laws and resolutions passed or adopted at each session of the legislative assembly of Montana, after this, the tenth session Such index shall be a thorough index of such laws and resolutions, and of each subject contained in or covered by such laws and resolutions, together with such cross-index as will assist in readily finding any subject or matter contained in such volume ; and for the purpose of procuring and preserving uniformity in such indexes, the index of each succeeding volume of the session laws shall conform, as near as practicable, with those of the volumes preceding it, prepared by said librarian He shall also prepare for each volume of such laws an additional index, showing what sections of the several codes of this state, and what session laws have been amended, repealed, altered, or changed by any laws pub-

lished in that volume, which shall be known and designated as the "Code Index" and to deliver the said indexes to the secretary of state as soon as completed. [Mont Laws, 1907, s 1, Ch 161, s 1228, Rev. Code, 1907.]

Sec 1566 Duties of the secretary of state concerning laws. It shall be the duty of the secretary of state to deliver to the state law librarian, at the earliest day practicable after the final adjournment of each session of the legislative assembly, correct copies of all laws and resolutions passed or adopted at such session, to be used by said librarian in preparing such indexes. The secretary of state shall cause such indexes to be published with such laws and resolutions. [Mont Laws, 1907, s 2, Ch 161; s 1229, Rev. Code, 1907.]

Sec 1567 Assistants to law librarian. The law librarian is authorized and empowered to engage and employ stenographic assistance in the preparation of such indexes, and said assistant shall be paid out of any funds in the law library expense account. [Mont Laws, 1907, s 3, Ch 161, s.1230, Rev. Code, 1907.]

Sec 440 Salaries of other officers. The annual compensation allowed to the following named deputy state officers, clerks, stenographers, and employees at the state capitol is as follows:

State Law Library

Librarian, twenty-five hundred dollars

State Historical Library

Librarian, twenty-one hundred dollars

First assistant, twelve hundred dollars

Second assistant, twelve hundred dollars

[Mont Laws, 1915, ch 40, s 1.]

Sec 8960 Transfer of unexpended license tax fund. On the 31st day of March of each year it shall be the duty of the state treasurer to transfer from the attorneys' license tax fund all unexpended moneys remaining in said fund to the state law library fund. The moneys so transferred to the law library fund, together with any other moneys in said fund, shall be available for and may be expended in the purchase of books, pamphlets, maps, and such other literature as may be purchased for the state law library, and for furniture, equipment, and appliances for the use and betterment of said library, and in meeting and paying the ordinary current expenses of said state law library as may be incurred under the direction of the board of trustees thereof. Upon the presentation by the state law librarian of vouchers for said expenditures, duly verified by him, or by the claimants of the amounts due, and approved by at least one of the justices of the supreme court, and by the state board of examiners, it shall be the duty of the state auditor to draw his warrant or warrants, upon said law library fund for the amounts named in said vouchers, and it shall be the duty of the state treasurer to pay said warrants when presented out of the money in said law library fund. [As am. s 1, ch 9, L.1931.]

Section 1. Construction of veterans and pioneers memorial building authorized. The state board of examiners of Montana is hereby authorized and directed to cause to be constructed and furnished a building as an adjunct of the state capitol building, to be known as the "Montana veterans and pioneers memorial building." Said building shall be erected upon the present state capitol building site at Helena, Montana, or upon contiguous lands owned or hereafter acquired by the State as a part of said site.

Section 2 Purpose and use of building. Said building shall constitute a perpetual memorial to the war veterans and the pioneers of Montana, and when completed, said building shall be devoted to the use of the war veterans organizations set forth in Chapter 131, Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, the historical society of Montana, the society of Montana pioneers, and the sons and daughters of Montana pioneers, and for the housing of books, records, documents, and other property of such veterans and organizations, and there shall be provided in said building appropriate office quarters for the state headquarters and officers and employees of such veterans and organizations, and for the librarian and other employees of the historical society of Montana [Montana Laws 1941, p 131, ch 79, s 1,2]

B LEGISLATIVE REFERENCE BUREAU

(Rev Code of Montana, 1935, v1, p 924, s.1568, Laws, 1939, p 60, ch 38, s 5 amending s 1569)

Sec 1568. Creation of legislative reference bureau. There shall be established and conducted in connection with the law department of the state library a legislative reference bureau The object of said bureau, in charge of the librarian of said state library, shall be to gather and make available such information as shall aid the members of the legislature in the discharge of their duties, and to collect information as to what legislation has been enacted upon important subjects in other state[s], and legal data as to the constitutionality and interpretation of laws [Mont Laws, 1921, s.1, Ch.77]

Sec 1569 Assistant; employment and salary. To carry out the provisions of this act, the librarian of the law department of the state library is hereby authorized and empowered to employ an assistant who shall, in addition to the duties imposed by the provisions of this chapter, act as a law clerk for the justices of the supreme court and shall perform any and other duties prescribed by the supreme court The salary shall be fixed at that figure the board of trustees of the state law library shall deem reasonable, provided, however, that the salary per annum shall not exceed twenty-four hundred dollars (\$2400 00) [Mont Laws 1939, p 60, ch 38, s.5.]

C. DISTRIBUTION OF PUBLIC DOCUMENTS

(Montana Laws, 1937, p.79-82, 143-145, ch 46, 79)

Sec. 5553.8. Distribution of the Revised Codes of Montana, 1935. The secretary of state, upon receipt of said published codes, shall distribute the

same, or so many of them as may be necessary, in the following manner, to wit:

To each department of the state government of Montana, one copy.

Legislators to pay actual cost price. To each member of the 24th and 25th legislative assemblies, one copy upon the payment to the State of Montana by any member receiving such copy the actual cost price thereof to the state.

To the state law library, two copies

To the library of Congress two copies.

To the state historical and miscellaneous library one copy.

To the state law librarian, for the purpose of exchanges with libraries, universities, and other institutions such number of copies, not to exceed (100) as may be required by him.

To each of the component institutions of University of Montana, one copy.

To each of the United States district judges for the district of Montana, and to each of the judges of the supreme and district courts of Montana, one copy.

To the county clerk of each county, three copies for the use of the various county officials.

To each county attorney, and to each clerk of the district court, one copy

Discretionary powers of secretary of state to distribute The secretary of state may further distribute the Revised Codes of Montana, of 1935, at his discretion, to other departments of government not herein enumerated when the same are deemed absolutely necessary, and may exchange new sets for worn out sets when the latter are returned to his office [Laws 1937, ch 79]

Sec 135. Distribution of Senate and House Journals and Session Laws. Immediately after the senate and house journals and the session laws mentioned in subdivision nine of the preceding section are bound, the secretary of state must distribute the same as follows

1. To the county clerk of each county one copy of the senate journal and one copy of the house journal for the use of the county.

2 To the state historical library such number of copies of senate and house journals, not exceeding 150 of each, as may be required by it for purposes of distribution and exchange, to the state law librarian, two copies of each house and of each senate journal for the use of said library, and such additional copies as may be necessary for purposes of exchange; and to the Library of Congress, two copies of each house and of each senate journal

3. To the lieutenant governor, each member of the legislative assembly, secretary of the senate and chief clerk of the house of representatives at the session at which the laws and journals were adopted, one copy [Laws 1937, ch 46]

He shall distribute the session laws as follows:

1. To each department of government at Washington, and of the government of this state, one copy

2 To the library of congress, eight copies; and to the state library, two copies

3. To the state historical and miscellaneous library, two copies; to the state law librarian, four copies for the use of said state law library

4 To the law libraries and the legislative reference libraries of each of the states and territories such number of copies as are given by them in exchange with the Montana state law library and the legislative reference libraries

5 To the members of congress, to the United States district judge, to each of the judges of the supreme and district courts, and to each of the state officers of the state, one copy.

6 To the lieutenant governor, each member of the legislative assembly, secretary of the senate, and chief clerk of the house of representatives at the session at which laws and journals were adopted, one copy.

7 To each of the incorporated colleges of the state and to each unit of the state university and institutions, one copy, to the law librarian of the state of Montana as many copies as may be required by him for exchange with libraries and institutions maintained by other states, territories and public libraries

8 To the county clerk of each county, three copies for the use of the county

9. To each county attorney, and to each clerk of the district court, one copy [Laws 1937, ch 46]

Sec 303 Printing and distribution of budget; printing and distributing copies of budget. The state board of examiners shall have printed before the tenth day of each session of the legislative assembly, the budgets provided for herein and shall distribute copies of the same to the member of the legislative assembly, to all the state departments, institutions and agencies, and two copies to the library of congress at Washington [Laws 1937, ch.46.]

Sec 384 Distribution of reports; secretary of state to purchase supreme court reports. On the publication of each volume of said reports the secretary of state shall purchase of said publisher, for the use of the state, three hundred copies thereof, and shall distribute the same in the manner following: To the law libraries of each state and territory of the United States, one copy; to the Library of Congress, five copies; to each of the judges of the United States district courts of the states of Idaho, Nevada, California, Washington, Montana, Wyoming, and Oregon, one copy; to each state officer, justice of the supreme court, district judge, county attorney and clerk of the district court in this state, one copy; to the law library of the State of Montana, three copies He shall also distribute said reports to literary and scientific institutions, publishers and authors and

legislative reference libraries of other states with whom the state law librarian has established or may hereafter establish a system of exchange. He shall also distribute to the University of Montana not to exceed fifty copies to be used by the law librarian of the state university for the purpose of exchanges with universities and institutions of higher education in other states. All reports distributed to state, district, and other officers in the state shall be for the use of their office, and shall be, by the person receiving the same, turned over to his successor in office, and the secretary of state shall take proper receipts for such reports [Laws 1937, ch 46]

Sec 521 Distribution of public reports. Distribution of public reports by secretary of state The reports must be delivered by the secretary of state as follows: To the governor, twenty-five copies of each report; to the librarian of the historical and miscellaneous department of the state library, at least one hundred and fifty copies of each report, to the secretary of state, twenty-five copies of each report, to the Library of Congress, two copies of each report, to the superintendent of public instruction, two hundred and fifty copies of his report for distribution to school trustees and teachers, and for exchange with other states, to the state board of land commissioners, two hundred copies of their report for distribution to the county surveyors, assessors, county clerks for several counties, and for exchange with other states, to the state auditor, one hundred and fifty copies of his report; to the secretary of state, one hundred copies of his report, to the librarian of the historical and miscellaneous department of the state library, four hundred copies of his report, to the librarian of the law department of the state library, fifty copies of his report, to the officers of the state board of commissioners for the insane, deaf, dumb and blind asylum, fifty copies of their report, to the state board of education, one hundred copies of their report; and the remaining copies of such reports, one-third to the order of the sergeant-at-arms of the senate, and two thirds to the order of the sergeant-at-arms of the house, to be by them distributed pro rata to the members of the senate and house next to convene [Laws 1937, ch.46]

D LIBRARY EXTENSION COMMISSION

(Montana Rev Code, 1935, v 1, p 925, s 1575 1-1575 2)

Sec 1575 1 State library extension commission created; duties. A commission is hereby created to be known as the state library extension commission, consisting of the librarian of the state university, the state superintendent of public instruction, and one other member to be appointed for a term of three years by the governor of the state from a list of five selected by the state library association of Montana The members of said board shall receive no compensation for their services, except their actual and necessary traveling expenses Said board may, in writing, adopt rules and regulations not inconsistent with law for its own government, providing

library service through traveling libraries, and such other activities as it may deem necessary for carrying out the purposes of this act.

Said commission shall also secure the establishment of libraries wherever practical, visit libraries for the purposes of giving advice and instruction, and endeavor to establish a closer relation between libraries and other educational agencies, and may co-operate with the state educational institutions, the state historical library and all institutional libraries in any manner deemed expedient. The state library extension commission is the state board of library examiners, and shall perform all the duties of the said board as provided in section 4565. The state library extension commission shall meet on the first Monday of October of each year and as much oftener as it may deem expedient.

The state library extension commission shall make a biennial report to the governor of the state on or before the first day of January, which report may be published by the board. [Laws, 1929, p 391-392, ch 184.]

Sec 1575 2. **Employment of secretary and assistants.** The state library extension commission may elect one of its own members to carry out the purposes of the board, in the event of a lack of funds to employ a regular secretary. It may employ such assistants as shall be requisite to the performance of the work of the board. [Laws, 1929, p 391-392, ch 184.]

E. COUNTY LIBRARIES

(Rev Code of Montana, 1935, v 2, p 998-1001, s 4563-4573, *Ibid* v 1, p 489-491, s.466)

Sec 4563 **Proceedings to establish county library.** Upon petition signed by not less than twenty per cent of the resident taxpayers whose names appear upon the last assessment-roll of the county, at least half of whom shall reside outside of the county seat, being filed with board of county commissioners, requesting the establishment of a county free library, the county commissioners of any county shall appoint a meeting for a public hearing, and may in their discretion, by resolution, establish at the county seat a county free library, as provided in this act. For four successive weeks prior to taking such action, the board of county commissioners shall publish, in each issue of a newspaper of general circulation in such county, notice of such contemplated action, giving therein the date and place of the meeting for a public hearing at which such action is proposed to be taken. [Am. s.1, Ch 137, Laws, 1917.]

Sec. 4564. **Withdrawal of incorporated city or town.** After the establishment of a county free library as provided in this act, the board of trustees, common council, or other legislative body of any incorporated city or town in the county, may withdraw such incorporated city or town from the operation of this act, by notifying the board of county commissioners that such city or town no longer desires to be a part of the county free library system, and thereafter the residents of such city or town shall cease to participate

in the benefits of such county free library, and the property situated in such city or town shall not be liable to taxes for county free library purposes; provided, that public notice of such contemplated action by the board of trustees, common council, or other legislative body of any incorporated city or town desiring to withdraw such incorporated city or town from the operation of this act, shall be given by publication in some newspaper of general circulation in such city or town, for at least once a week for four successive weeks prior to taking such action, giving therein the date and place of the meeting at which such contemplated action is proposed to be taken [Mont. Laws, 1915, s 2, ch 45]

Sec 4565. County librarian; appointment and removal; salary; qualifications. Upon the establishment of a county free library, the board of county commissioners may appoint a county librarian who shall receive not less than one hundred dollars per month and who may be removed for cause, after the hearing, by said board. Any person who is a graduate of a library school, or has had two years' practical experience in a library of not less than three thousand volumes, shall be eligible to the office of county librarian, provided, that, from and after the creation and organization of a state board of library examiners no person shall be eligible to the office of county librarian, unless, prior to his appointment, he has received from said board of library examiners a certificate of qualification for the office. [Mont. Laws, 1923, p.120-121, ch 56]

Sec 4566 Supervision of county commissioners over libraries; branches and stations; employees and apprentices The county free library shall be under the general supervision of the board of county commissioners, who shall have the power to make general rules and regulations regarding the policy of the county free library. The county librarian shall have power to establish branches throughout the county, and may locate said branches and stations wherever deemed advisable, to determine the number and kind of employees of such library, and to employ and dismiss such employees. All employees of the county free library whose duties require special training in library work shall be graded in grades to be established by the county librarian, according to the duties required of them. Before appointment to a position in the graded service, the candidate must pass an examination appropriate to the position sought, satisfactory to the county librarian, and show a satisfactory experience in library work, provided, that the county librarian may also accept as apprentices, and who shall receive no compensation, candidates possessing personal qualifications satisfactory to the librarian, and the librarian may dismiss such apprentices at any time, if in her judgment the work is not satisfactory [Am Sec 3, Ch 137, Laws, 1917.]

Sec. 4567. Duties, and compensation of librarian. The county librarian shall, subject to the general rule adopted by the board of county commissioners, build up and manage, according to the accepted principles of library management, a library for the use of the people of the county, shall

establish branches and stations throughout the county, and shall determine what books and other equipment shall be purchased. The library building shall be under the general supervision and care of the county librarian. The county librarian shall be allowed actual and necessary traveling expenses incurred in the business of the office, and such compensation as the board of county commissioners may fix. The boards of county commissioners of the several counties of the state are hereby authorized to audit and allow such traveling expenses and other compensation of the county librarian of the respective counties, and the same shall be paid out of the county free library fund. [Am s 4, Ch 137, Laws, 1917]

Sec. 4568 Library tax; bonds for building; gifts and bequests; funds and claims. The board of county commissioners, after a county free library has been established, may annually levy, in the same manner and at the same time as other county taxes are levied, a special tax not to exceed one mill on the dollar upon all property in such county, for the purpose of maintaining the county free library. County bonds may be issued in the manner prescribed in sections 4614 to 4616 of these codes, for the erection and equipment of county free library buildings, and the purchase of land therefor. The board of county commissioners is authorized to receive, on behalf of the county, any gift, bequest, or devise for the county free library, or for any branch or subdivision thereof. The title to all property belonging to the county free library shall be vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the tax herein provided. All funds of the county free library, whether derived from taxation or otherwise, shall be in the custody of the county treasurer. They shall constitute a separate fund, called the county free library fund, and shall not be used for any purposes except those of the county free library. Each claim against the county free library fund shall be authorized and approved by the county librarian, or in his absence from the county, by his assistant. It shall then be acted upon in the same manner as are all other claims against the county. [Mont. Laws, 1915, s 6, ch 45]

NOTE—Sections 4614 to 4616 referred to in this section have been repealed. See 4630 1-4630 33 for county bonding provisions.

Sec 4569 Acceptance of property of school libraries. The board of county commissioners shall have power to accept, on behalf of the county free library, all books and other property of school libraries as provided by sections 1181 to 1186 of this code, and to manage and maintain the same as a part of the county free library. [Mont. Laws, 1915, s.7, ch 45]

Sec 4570 School libraries as branches of county library. Whenever the county in which a school district library is situated shall maintain a county free library, the board of school trustees or city board of education may agree with the proper authorities of such county to make the school district library a branch of such county library. In this event this board of school trustees or city board of education shall turn over the books to the county

free library, and shall annually transfer to such county free library its library fund, as soon as it is available, to be kept and expended as other funds of such county library. The said county free library shall thereupon have such district library managed and maintained according to the rules and regulations established by the authorities of the county free library. [Mont. Laws, 1915, s 8, ch.45.]

Sec 4571 Funds of district library turned over to county library. Whenever a school district library shall have become a branch library, as provided in the preceding section, the county or city superintendent of schools may draw a warrant for the whole amount of the district library fund, payable to the proper authorities of the county free library, upon the filing with him of a copy of the resolution of the board of trustees of the district or the city board of education, embodying the agreement made with such county free library, which copy shall be duly certified as correct by the clerk and recorder of the county, or other proper officer [Mont. Laws, 1915, s.9, ch 45]

Sec 4572 Disestablishment of library After a county free library has been established, it may, upon petition signed by not less than ten per cent of the qualified voters of a county requesting its disestablishment being filed with the board of county commissioners, be disestablished in the same manner as it was established. At least once a week for four successive weeks prior to taking such action, the board of county commissioners shall publish, in a newspaper designated by them and published in the county, notice of such contemplated action, giving therein the date and place of meeting for a public hearing at which contemplated action is proposed to be taken, provided, that an interval of three months shall elapse between such action and the disestablishment [Mont. Laws, 1915, s 10, ch 45]

Sec 4573 How libraries of city or town may assume functions of county library. Instead of establishing a separate county free library, the board of county commissioners may enter into a contract with the board of library trustees, or other authority in charge of the free public library of any incorporated city or town, and the board of library trustees, or other authority in charge of such free public library, is hereby authorized to make such a contract. Such contract may provide that the free public library of such incorporated city or town shall assume the functions of a county free library within the county with which such contract is made, and the board of county commissioners may agree to pay out of the county free library fund into the library fund of such incorporated city or town such sum as may be agreed upon. Either party to such contract may terminate the same by giving six months' notice of intention to do so [Mont. Laws, 1915, s 11, ch 45.]

Sec. 466. Bonds of county officers. The following named county officers shall give official bonds conditioned as provided by law in the following amounts, to-wit:

County librarians in counties of the first and second class, one thousand dollars. [Mont. Laws, 1921, s 3, ch.229.]

F. JOINT COUNTY OR REGIONAL LIBRARIES

(Montana Laws, 1939, p 305-307, ch 132)

Sec. 1. Provisions for establishing and maintaining joint county or regional libraries. Two (2) or more counties, by action of their boards of county commissioners, may join in establishing and maintaining a joint county or regional library under the terms of a contract to which all will agree. The expenses of the joint county or regional library shall be apportioned between or among the counties concerned on such a basis as shall be agreed upon in the contract. The treasurer of one of the counties, as shall be provided in the contract, shall have the custody of the funds of the joint county or regional library; and the treasurers of the other counties concerned shall transfer quarterly to him all moneys collected for the "free library fund" in their respective counties. If the board of county commissioners of any county decides to withdraw from a joint county or regional library contract, the county shall be entitled to a division of property in the same proportions as expenses were shared. Any library district organized under the provisions hereof, may, by majority vote of the qualified voters present and voting at a legal meeting of either of the counties which comprise said district, dissolve its cooperative existence.

Sec. 2 Participation by other government unit maintaining libraries in library district. When a joint county or regional library shall have been established, the legislative body of any government unit therein that is maintaining a library may decide, with the concurrence of the board of trustees of its library, to participate in the joint county or regional library, after which, beginning with the next fiscal year of the county, the governmental unit shall participate in the joint county or regional library and its residents shall be entitled to the benefits of the joint county or regional library, and property within its boundaries shall be subject to taxation for joint county or regional library purposes. A governmental unit participating in the joint county or regional library may retain title to its own property, continue its own board of library trustees, and may levy its own taxes for library purposes, or, by a majority vote of the qualified electors, a governmental unit may transfer, conditionally or otherwise, the ownership and control of its library, with all or any part of its property, to another governmental unit which is providing or will provide free library service in the territory of the former, and the trustees or body making the transfer shall thereafter be relieved of responsibility pertaining to the property transferred.

Sec. 3 Board of trustees and their appointment. In a joint county or regional library district the board of five trustees shall be appointed by the joint action of all the county commissioners in the district. The first appointments or elections shall be for terms of one (1), two (2), three (3), four (4),

and five (5) years respectively, and thereafter a trustee shall be appointed or elected annually to serve for five (5) years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A trustee shall not receive salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library fund. A library trustee may be removed only by vote of the legislative body.

Sec. 4 Government unit to make annual appropriation and levy taxes for support of library. After a joint county or regional library shall have been established or library service contracted for, the legislative body of the governmental unit for which the library was established or the service engaged, shall appropriate money annually for the support of the library and so far as possible, the taxes levied and collected for this purpose shall be levied and collected within the territory to be served. The board of trustees shall have the exclusive control of expenditures from the fund subject to any examination of accounts required by the State and money shall be paid from the fund only upon vouchers of the board of trustees, without further audit. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and available for library purposes.

Sec. 5 Commissioners to levy equivalent tax. The board of county commissioners of each county that has joined in the establishment of a joint county or regional library as provided for in this act shall annually levy a tax equivalent to the tax which may be levied for a county library as provided in Section 4568, Revised Codes of Montana, 1935.

Sec. 6. Qualifications of librarian. The librarian of a joint county or regional library shall have the qualifications required by Montana law for county libraries and shall come under the same minimum salary regulation.

G. MUNICIPAL LIBRARIES

(1) GENERAL PROVISIONS

(Rev. Code of Montana, 1935, v 2, p 1162, 1203, s 4998, 5049-5051)

Sec. 4998 Trustees of public libraries; funds. The trustees of any public library created or existing in a city or town must be appointed by the mayor, with the advice and consent of the council. The number of such trustees and their duties must be prescribed by ordinance, provided, however that the "library fund" provided for in section 5049 of this code shall be invested by the city treasurer under the direction of the trustees of the library, and no money shall be paid out of said fund by him except on an order or warrant from said trustees, who shall have exclusive power to make contracts and expenditures for the support and maintenance of the library, and the purchase of books and other things for a library [Mont. Laws, 1915, s.1, ch 114]

Sec 5049. Establishment of free public library; tax levy for maintenance. The council has power to establish and maintain a free public library, and for that purpose may provide by ordinance for a tax as follows. In a city or town having assessed valuation of seven hundred and fifty thousand dollars or more, a tax not exceeding two and one-half mills on the dollar on the property may be levied. In a city or town having an assessed valuation of less than seven hundred fifty thousand dollars, a tax not exceeding three mills on the dollar on the property may be levied. The tax so levied and collected constitutes a fund known as the "library fund," and must be expended only for the purchase of books and other things necessary for a library, and the support and maintenance thereof, provided, that no increase over the present authorized levy shall be made until the question of such increase has first been submitted to a vote of the taxpayers affected thereby [s 1, ch 32, l. 1931]

Sec 5050 Submission of questions to electors. Before any such ordinance is passed the council must submit to the qualified electors of the city or town at an election the question. At such election the ballot must have printed or written thereon the words, "Public Library--Yes," "Public Library--No," and in voting the elector must make a cross thus, "X," opposite the answer for which he intends to vote [Pol Code, 1895, s 5040]

Sec 5051 Library to be established when the majority vote favors; election at which question may be submitted. If a majority of the votes cast at such election is in favor of the establishment of a public library, then such library must be established as above provided. Such question may be submitted at the annual or at any special election held in such city or town, and must be submitted at any such election on the petition of one hundred or more inhabitants of such city or town [Pol Code, 1895, s 5041]

(2) CITY OF BUTTE

(Montana Laws, 1931, p 32, ch 2, s 53)

Sec 53 Butte Free Public Library. There having been granted and donated to the City of Butte certain moneys to be used for the establishment, maintenance and support of a free public library and the City of Butte having by ordinance accepted such grant and donation, with all of the conditions attached thereto, now if this Act be adopted and the City and County of Butte, as successor to said City of Butte, becomes the owner of the property used, occupied by and belonging to said City of Butte as such public library, it will become the owner of the same, subject to and with all of the conditions attached to such grant and donation remaining in full force and effect, and all of the provisions of section 4498, Revised Codes of Montana of 1921, shall apply to and govern such library and the commission shall have the power and it shall be the duty to levy annually such taxes as may be necessary for the maintenance and support of such library, as authorized by Section 5049, Revised Codes of Montana of 1921

H. SCHOOL LIBRARIES

(Rev. Code of Montana, 1935, v.1, p 649, 652, 755, 756, 814, s 946, 962, 1184-1186, 1262 43)

Sec 946. Libraries. [The superintendent of public instruction] shall prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for school libraries; such list shall contain also the lowest price at which such publications can be purchased and the terms. He shall also prescribe rules and instructions for the proper care and use of school libraries, and such other information relative thereto as he shall think needful [Mont Pol Code, 1895, Sec 1703.]

Sec 962 School libraries. [The county superintendent of schools] shall exercise supervision over the school libraries of the county, and aid in the selection of books for the same [s 302, ch 76, L 1913]

Sec 1184 Location and control of libraries. The library shall be under the control of the board of trustees, and must be kept, when practicable, in the schoolhouse, and shall be for the use of the pupils and all residents of the district [am s.1203, ch 76, Laws, 1913]

Sec 1185 Rules; reports. The trustees shall be held accountable for the proper care and preservation of the library, and shall make all needful rules and regulations not provided for by the superintendent of public instruction, and not inconsistent therewith, and they shall report annually to the county superintendent all library statistics which may be required by the blanks furnished for the purpose by the superintendent of public instruction [Pol Code, 1895, s 2004]

Sec 1186 Selection of books. All books shall be selected by the county superintendent and school trustees, acting together, from lists approved by the superintendent of public instruction. It shall be the duty of the county superintendent in his visits to inspect the library, and to make such suggestions regarding its use and care as he may deem advisable. It shall be the duty of the superintendent of public instruction to formulate rules and regulations for the school libraries, and furnish to the county superintendent, from time to time, such instruction and information as will make the use of the library most effective [am s 1205, ch 76, Laws, 1913]

Sec 1262 43 Selection of reference and library books. All reference and library books of the high school shall be selected by the district superintendent of schools with the approval of the board of trustees, but in districts where a district superintendent is not employed the principal of schools shall select such reference and library books likewise with the approval of the board [Mont Laws, 1931, s 43, ch 148]

I. INCORPORATED LIBRARIES

(Rev Code of Montana, 1935, v 3, p 357, s 6453)

Sec. 6453 Incorporation of churches, charities, benevolent and fraternal societies. Associations or persons where pecuniary profit is not the object,

for the purpose of establishing and conducting churches, hospitals, lyceums, musical and scientific societies, libraries, * * * may become incorporated upon complying with the provisions of this chapter [am. s.1, ch.112, Laws, 1923.]

J. MISCELLANEOUS PROVISIONS

(1) PROTECTION OF LIBRARY PROPERTY

(Rev Code of Montana, 1935, v 5, p 219, s 11498)

Sec. 11498 Destroying works of literature, etc., in public libraries. Every person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art or mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition, is guilty of felony. [Mont Pen Code 1895, s 1069]

(2) GIFTS FOR LIBRARIES

(Rev Code of Montana, 1935, v 2, p 1201, 1499, s 5043-5044, 5668 17-5668 18)

Sec. 5043. Organized cities or towns authorized to take by gift, donation, devise, etc. Any city or town organized under the laws of the state of Montana is hereby empowered and given the right to accept, receive, take, hold, own, and possess any gift, donation, grant, devise, or bequest, or any property, real, personal, or mixed, or any improved or unimproved park or playground, or any water or water right, water reservoir or watershed, or any timber land or any reserve, or any fish or game reserve in any part of the state, and the right to own, hold, work, and improve the same, and said gifts, donations, grants, bequests, or devises made to any officer or board of any such city or town shall be considered a gift, donation, grant, bequest, or devise made for the use and benefit of any such city or town, and shall be administered and used, by such city or town for the particular purpose for which the same was given, donated, granted, bequeathed, or devised [Mont Laws, 1917, s.1, ch 10]

Sec. 5044 Who may make gift, donation, or grant; property included therein; how used and administered Any donation, gift, or grant may be made by any person, company, copartnership, or corporation to any city or town organized under the laws of the state of Montana, of any property, real, personal, or mixed, or any improved or unimproved park or playground, or any water or water right, water reservoir or watershed, or any timber land or reserve, or any fish or game reserve in any part of the state of Montana, to be held for the use and benefit of said city or town; and any person over the age of eighteen years and of sound mind and discretion may make any gift, grant, donation, or testamentary disposition of property, real, personal, or mixed, or any improved or unimproved park or playground, or water or water right, water reservoir or watershed, or timber

land or reserve, or any fish or game reserve in any part of the state, to any city or town organized under the laws of the state of Montana; but in the event of any gift, donation, grant, devise, or bequest shall be made to any such city or town, or to any officer or board of such city or town, the same shall be construed as a gift, donation, grant, devise, or bequest to such city or town, and shall be administered and used for such city or town, and for the particular purpose for which the same was given, donated, granted, bequeathed, or devised. And in the event no particular purpose is mentioned in such gift, donation, grant, devise, or bequest, then the same shall be used for the general support, maintenance, or improvement of any such city or town. [Mont. Laws, 1917, s 2, ch 10]

Sec. 5668 17 **Public bodies' and institutions' authority to receive property by gifts.** All counties, all school districts, and all public libraries, hospitals, cemeteries and other public institutions are hereby granted the power and authority to accept, receive, take, hold and possess any gift, donation, grant, devise or bequest of property, real or personal, and the right to own, hold, work and improve the same. [Mont. Laws, 1927, s 1, ch 47]

Sec. 5668 18 **Applicable provisions.** The provisions of sections 5043 and 5044, are hereby made expressly applicable to gifts, donations, grants, devises and bequests of real or personal property to officers and boards of the public corporations and institutions mentioned in the preceding section of this act. [Mont. Laws, 1927, s 2, ch 47]

(3) TAX EXEMPTION

(Rev. Code of Montana, 1935, v 1, p 1130, s 1998)

NEBRASKA

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A. STATE LIBRARY

(Nebraska Comp Stats 1929, p 1179-1180, s 51-101 to 51-112, *Ibid* 1939, Suppl p 237, s 27-209)

Sec 51-101. **State library; what constitutes.** The books, pamphlets, maps, and charts belonging to the state, now in the state library, or which shall hereafter be added to the same, shall constitute the state library [1871, p 52, Ann 7050, Comp 6062, R S 1913, 3777, C S 1922, 3170]

Sec 51-102 **Same; divisions.** There shall be two divisions of the state library, one of which shall embrace all miscellaneous works, books, pamphlets, maps, and charts, and the statutes and other books required by law to be deposited in the office of the secretary of state, and shall be known as the miscellaneous division of the state library. The other shall embrace all books of reports, and other law books, and shall be known as the law division of the state library, both of which shall be kept under the charge of the clerk of the supreme court, and of which he shall be librarian [1871, p 52, Ann 7051, Comp 6063, R S 1913, 3778, C S 1922, 3171]

Sec 51-103 **Same; directors, powers.** The judges of the supreme court shall constitute a board of directors of the state library, and they shall have power to make such rules, not inconsistent with this article, for the regulation of the library under their direction, as they may elect proper, and may prescribe penalties for any violations thereof, which shall be collected in the same manner as for the non-return or injury of any books

[1871, p.52; Ann. 7052 and 7053, Comp. 6064 and 6065; R.S. 1913, 3779; C S. 1922, 3172.]

Sec. 51-104 Same; book register, entries. The librarian shall cause to be kept a register of all books issued and returned at the time they shall be so issued and returned, and none of the books, except the laws, journals, and reports of this state, which may be taken from the library, shall be detained more than ten days, and all the books taken out by officers or members of the legislature shall be returned at the close of the session [1871, p 52; Ann 7055, Comp 6067, R S 1913, 3781, C S 1922, 3174]

Sec 51-105 Same; injury to or failure to return books; procedure. If any person injure or fail to return any book taken from the library, he shall forfeit and pay to the librarian for the use of the library, double the value thereof (book), or of the set to which it belongs if a set is broken by its loss, to be recovered in an action in the name of the state, and before the auditor shall issue his warrant in favor of any person authorized to take books from the library, for the value of his services or amount of his salary, he shall be satisfied that such person has returned all books taken from the library, or settled for the same; otherwise he shall deduct all accounts for the detention or injury of such books [1871, p 53, Ann. 7056; Comp 6068, R S 1913, 3782; C S. 1922, 3175]

Sec 51-106 Librarian; annual report to governor; when made; scope. The librarian shall, on or before the twentieth day of December in each year, report to the governor the condition of the library, stating the number of volumes contained therein, the number of volumes purchased during the past year, and the cost thereof, the number of volumes received by donation, the number of volumes injured or not returned, if any, and the amount received in compensation therefor, and such suggestions and further information as may be deemed by him desirable [1871, p 53, Ann 7057; Comp. 6069; R.S 1913, 3783, C S 1922, 3176, 1929, p 240.]

Sec. 51-107 Same; marks books; legend. It shall be the duty of the librarian to cause each book to be labeled with a printed or stamped label containing the words "Nebraska State Library," and also to write the same words on the thirtieth page of each volume. [1871, p.54; Ann. 7059; Comp. 6071; R S 1913, 3785; C S. 1922, 3178]

Sec 51-108. State Library; books; sale or exchange. The directors may sell or exchange any surplus, damaged, defective or duplicate books in the library. [1871, p 54; Ann 7060, Comp 6072; R.S 1913, 3786; C.S 1922, 3179, 1929, p 241]

Sec. 51-109. Same; books; removal; penalty. If any person not authorized by the regulations made by the directors shall take a book from the library, either with or without the consent of the librarian, he shall, upon conviction thereof, be fined in any sum not more than fifty dollars for every book so taken. [1871, p.54; Ann. 7062; Comp 6074, R S. 1913, 3788; C S. 1922, 3181; 1929, p 241.]

Sec. 51-110. Same; state publications; distribution to other states. The librarian is hereby authorized to send one copy each of all law reports, session laws, journals of senate and house or representatives, and any other books and pamphlets hereafter published for the use of the state of Nebraska, to every one of the states, for the use of their respective libraries [1871 p 55, Ann 7063, Comp 6075, R.S 1913, 3789, C S 1922, 3182; 1929, p 241]

Sec 51-111 Same; exchange of publications. To enable the state library and the Nebraska State Historical Society to augment their respective collections by effecting exchanges with other societies and institutions, the state of Nebraska hereby donates to the state library, one hundred copies of each of the several publications of the state, its officers, societies and institutions, except the reports of the supreme court, and to the Nebraska State Historical Society fifty volumes of the same publications, as the same shall be issued [1893 p 366, Ann 7064; Comp 6076, R S 1913, 3790; C S 1922, 3183; 1929, p 241]

Sec 51-112 Same; authors deposit publications with librarian. It is hereby made the duty of any officer having custody of any of such publications, to deliver the number of copies of the same above specified, on the issuance of such publications to the state librarian and the secretary of the Nebraska State Historical Society respectively [1893 p 366, Ann 7065, Comp 6077, R S 1913, 3791, C S 1922, 3184, 1929, p 241]

Sec 27-209 Supreme court; reports; printed volumes; disposition. The supreme court reports shall be deposited in the state library. Copies thereof shall be distributed by the librarian to each judge of the supreme district and county courts, to each state and territorial library, to each officer of the executive department of this state and to each judge of the United States district and circuit courts of this state, to the law library of the state university of Nebraska, five copies, and to the library of congress, two copies. Two complete sets of supreme court reports and two volumes of all subsequent reports shall be furnished to the Nebraska workmen's compensation court by the state librarian. The balance of said reports shall be sold as called for at the rate of One Dollar and Fifty Cents (\$1 50) per volume. The money arising from such sales shall be paid into the general fund of the state treasury [1937, p 236]

B. PUBLIC LIBRARY COMMISSION

(1939 Suppl, Nebraska Comp Stats 1929, p 449-450, § 51-501 to 51-510)

Sec. 51-501 Nebraska Public Library Commission, establishment; members; appointment; term; successor to Nebraska Public Library Commission and Nebraska Public Library. A Nebraska Public Library Commission is hereby established composed of five members to be appointed by the Governor, one to serve one year, one for two years, one for three years, one for four years, and one for five years, and thereafter the Gov-

ernor shall appoint a new member annually to serve for a term of five years. The Nebraska Public Library Commission shall succeed to all properties, books, papers, records and documents now possessed and held by the Nebraska Public Library Commission and the Nebraska Public Library [1935, p.370.]

Sec 51-502 Same; members receive no compensation; expenses; how paid. The members of the Nebraska Public Library Commission will serve without pay. They will receive remuneration for traveling and actual expenses incurred while engaged in the business of the Commission. These expenses shall be paid out of the funds of the Nebraska Public Library Commission [1935, p 370]

Sec 51-503 Same; powers and duties. The powers and duties of the Nebraska Public Library Commission shall be as follows. (1) To make rules and regulations not inconsistent with law for its government and operation (2) To appoint an executive secretary, at a salary not to exceed Three Thousand Dollars (\$3,000 00) per year, who shall be a technically trained, qualified, and experienced librarian to administer the work of the Commission as hereinafter specified (3) To require said executive secretary to execute official bond to the State of Nebraska in penal sum of Three Thousand Dollars (4) To authorize the said executive secretary to employ such assistance as may be necessary properly to carry out the requirements of this Act (5) To sell or exchange duplicate copies of books, or books and magazines which are no longer of use to the Commission or to deposit on indefinite loan, in any tax supported library in Nebraska, such books and periodicals (6) To prescribe rules and regulations governing the use of books, periodicals and other material belonging to the said Commission (7) To accept and administer any gifts, bequests and legacies which in the opinion of the executive secretary and the Commission may be of value to it (8) To make a biennial report to the Governor of its activities and the progress of its work on or before December fifteenth in each even numbered year [1935, p 370, 1937, p 435]

Sec 51-504 Same; executive secretary; duties. It shall be the duty of the executive secretary of the said Commission (1) To administer the work and activities of the Commission (2) To purchase books, periodicals and all necessary equipment and supplies for the Commission. (3) To keep a catalogue of all books and periodicals belonging to the Commission. (4) To keep bound and repaired all books, periodicals and papers belonging to the Commission. (5) To keep a record of all books and property added to the library of the Commission and the cost thereof (6) To keep a record of all books and periodicals loaned by the Commission and notify the borrowers of the expiration period of loan [1935, p 371]

Sec 51-505. Local libraries; organizations; entitled to privileges. Any library, community, local organization, either incorporated or unincorporated, or any body of citizens or tax payers organized for library pur-

poses shall upon complying with the rules prescribed by the Nebraska Public Library Commission be entitled to the privilege of this article. [1935, p 371.]

Sec. 51-506. Loan of books to libraries; schools; organizations. Any books, collection of books or other property of the public library may be loaned to any library, college, school, university extension center, chautauqua circle, literary society, study club or other association approved by the rules of the Nebraska Public Library Commission, under such rules for the safekeeping, preservation, care, handling and management of the same as may be fixed by said Nebraska Public Library Commission. [1935, p 371]

Sec. 51-507. Annual reports from all libraries in state. The executive secretary shall each year obtain from all libraries in the state reports showing the conditions, growth, development and manner of conducting such libraries together with such other facts and statistics regarding the same as may be deemed of public interest by the Nebraska Public Library Commission. [1935, p 371.]

Sec 51-508 Executive secretary to advise regarding libraries. The executive secretary shall, when asked, give advice and instruction to all libraries or individuals and to all communities which may propose to establish libraries as to the best means for establishing, organizing and administering such libraries, selecting and cataloging books and other duties of library management. The executive secretary shall, so far as possible, promote and assist by counsel and encouragement the formation of libraries where none exist, and the executive secretary may send one of his employees or assistants to aid in organizing new libraries or improving those already established [1935, p 371]

Sec. 51-509 Nebraska public library commission offices in capitol. Offices for the Nebraska Public Library Commission shall be provided in the capitol building and all books, documents, records and property now in the possession of and owned by the Nebraska Public Library shall be delivered to the Commission at the State Capitol building at the expense of the Commission [1935, p 372]

Sec 51-510 Executive secretary may draw vouchers. The executive secretary may from time to time as needed draw a voucher signed by himself in favor of any party to whom money is due stating in such voucher what the money is to be used for and upon presentation of such order the state auditor shall draw his warrant upon the state treasurer for the amount thereof not exceeding the amount of the appropriation for the purpose of the Nebraska Public Library Commission [1935, p 372]

C. STATE HISTORICAL SOCIETY

(Nebraska Comp Stats 1929, p 1687-1688, s 82-101 to 82-108, *Ibid* 1939 Suppl, p 732, s 82-114 to 82-116)

Ch 82 Sec. 82-101 State Historical Society; organization; building.

The Nebraska State Historical Society as organized by Robt. W. Furnas, president; James M. Woolworth and Elmer S. Dundy, vice-presidents; Samuel Aughey, secretary, and W. W. Wilson, treasurer, their associates and successors, be and the same is hereby recognized as a state institution. Such society shall have the management and control of the historical building now begun and as it shall hereafter be erected upon the ground donated by the city of Lincoln as a site for a historical building and park in said city and be used by it as a museum and library building and grounds for the preservation, care, arrangement and exhibition of documents, books, newspapers, weapons, tools, pictures, relics, scientific specimens, farm and factory products, and all other collections pertaining to the history of the world and particularly to that of Nebraska and the great west and also to carry on the work of the Nebraska Legislative Reference department. [1883 p 340, and 1907 p 458, Ann 11875, Comp 6059 and 6061f, R.S 1913, 7166, C.S 1922, 6817]

Sec. 82-102 Same; annual report; scope. It shall be the duty of the president and secretary of said institution to make annually reports to the governor, as required by other state institutions. The report shall embrace the transactions and expenditures of the organizations together with all historical addresses which have been or may hereafter be read before the society or furnish it as historical matter, a data of the state or adjacent western regions of country [1883 p 340, Ann 11876; Comp. 6060, R S 1913, 7167, C S 1922, 6818]

Sec. 82-103 Same; distribution of publications. The reports, addresses and papers shall be published at the expense of the state and distributed as other similar official reports, a reasonable number, to be decided by the state and society, to be furnished the society for its use and distribution [1883 p 341, Ann. 11877, Comp 6061, R S 1913, 7168; C S 1922, 6819.]

Sec 82-104 Same; made custodian of relics and old records. The Nebraska State Historical Society is hereby made the custodian of all public records, documents, relics and other material which it may consider of historic value or interest, and which are now or may hereafter be in any of the offices or vaults of the several departments of state, in any of the institutions which receive appropriations of money from the legislature of Nebraska, in any of the county court houses or city halls or other public buildings within the State of Nebraska, a subject always to the following regulations and conditions. [1905 p 604, Ann. 11878; Comp. 6061a; R.S. 1913, 7169, C S. 1922, 6820.]

Sec 82-105. Same; possession of historical matters; how secured. Such records, documents, relics or other historic material shall not be in active use in any such department, institution or building, nor have been in active use for the period of twenty years preceding their delivery to the custody of the state historical society. Such material, through lack of proper means to care for, or safe and adequate place to preserve, is liable to damage

and destruction. The officer or board having the care and management of such department, institution or building shall consent in writing to the custody of such documents, records and materials by the state historical society. The state historical society shall cause invoice and receipts for such material so turned over to be made in triplicate, one copy to be deposited with the secretary of state, one with the officer or board turning over such material, and one retained by the secretary of the state historical society. [1905 p 604, Ann 11879, Comp 6061b, R S 1913, 7170; C.S. 1922, 6821]

Sec. 82-106 Same; state officers shall notify society of historical matter. It shall be the duty of every officer or board having control or management of any state department, institution or building to notify the secretary of the state historical society whenever there are records, documents, relics or material in his or their care coming within the scope of this chapter [1905 p 605, Ann 11880; Comp 6061c, R S 1913, 7171, C S 1922, 6822.]

Sec. 82-107 Same; shall receive, catalogue and display historical matter. It shall be the duty of the state historical society by its officers or employees to examine such material and remove and receipt for such as shall seem to it of historic value. It shall transport the same at its own cost to its museum and shall catalogue, arrange and display the same for the free use of the public. [1905 p 605, Ann 11881, Comp 6061d, R S 1913, 7172, C S 1922, 6823]

Sec 82-108 Same; shall furnish certified copies of records or documents; fees. Certified copies of any record, document or other material of which the Nebraska State Historical Society shall be the custodian shall be made upon application by the secretary or curator of the society under seal and oath. Such certified copy shall be received in courts or elsewhere as of the same legal validity as similar certificates from the original custodian of such record, document or other material, and the secretary or curator of the Nebraska State Historical Society shall be entitled to the same fees for making such certified copy as the original custodian. [1905 p 605, Ann 11882, Comp 6061e, R S 1913, 7173, C S 1922, 6824]

NOTE—For additional provisions, see s 82-109 to 82-113

Sec 82-114 Nebraska State Historical Society; documents relating to U.S. Land Office; preservation and arrangement; agreement with U.S. Land Office. That the Nebraska State Historical Society, a state institution created by Act of February 27, 1883, is hereby authorized and empowered to enter into agreement with the General Land Office at Washington, D C, for the reception, preservation, organization and arrangement for public use of all such documents relating to the former United States Land offices in Nebraska as may be transferred from the custody of the General Land Office at Washington, D C, to the custody of the Nebraska State Historical Society at Lincoln, Nebraska. [1937, p.818]

Sec 82-115 State pledges faithful preservation of records and public

access thereto. That the State of Nebraska hereby pledges its good faith for the faithful preservation and maintenance of such land office documents as a part of the public records of the State; for the allowance of free access to the same by the authorities of the United States, for their custody by the Nebraska State Historical Society, and by all other persons in such manner as shall secure the chief objects of their use and preservation, their care and custody and service, under proper library regulations, for the people of Nebraska and the world as historical records of primary importance in the history of this commonwealth [1937, p 819.]

Sec. 82-116 **Repealed.** All Acts and parts of Acts in conflict herewith are hereby repealed [1937, p 819]

D. COUNTY OR REGIONAL LIBRARIES

(Nebraska Comp Stats 1939, Suppl p 447-449, s 51-401 to 51-411 as amended by Legislative Bill No 37, 1941)

Sec 51-401 **County board may establish county, regional libraries when authorized by electors.** Notwithstanding any more general or special law respecting libraries the county boards of the several counties, when authorized by a majority of the electors of any county *residing outside cities, villages or townships at that time maintaining a public library by public tax*, voting at a general election on the proposition hereinafter named, shall establish within their respective counties, county libraries in the manner and with the functions prescribed in this *article*, or two or more counties may cooperate to form a regional library in the same manner and with the same functions [As amended by L B No 37, 1941]

Sec 51-402 **County, regional libraries; location.** The county board of any county may establish at the county seat or some centrally located town a county library, or two or more counties may cooperate to form a regional library at a reasonably centrally located town or city for that part of such county or counties lying outside of incorporated cities and villages maintaining public libraries, and outside of townships maintaining township libraries, and for all such additional portions of such county or counties as may elect to become a part of, or to participate in, such county or regional library systems as hereinafter provided in this act [Laws, 1935, p 364]

Sec 51-403 **Same, cities, villages, townships may join; withdrawal; publication of notice.** After the establishment of a county or regional library as provided in this act, the board of trustees, city council or other governing authority of any incorporated city or village in the county or counties maintaining a public library, or the library board of any township library, may notify the county board or the commissioners of the regional library, that such city, village or township library desires to become a part of the county or regional library system, and thereafter such city, village or township library shall be a part thereof and its inhabitants shall be entitled to the benefits of such county or regional library, and the property

within such city, village or township library shall be liable to taxes levied for county or regional library purposes. The board of trustees, city council or other governing authority of any incorporated city or town in the county or region, or the library board of any township library may at any time notify the county board or regional library commissioners that such city, village or township library no longer desires to be a part of the county library system, and thereafter such city, village or township library shall cease to participate in the benefits of such county or regional library, and the property situated in such city, village or regional library, and the property situated in such city, village or township library shall not be liable for taxes levied to support or maintain county or regional library purposes. Provided, however, that the board of trustees, city council or other governing authority of any incorporated city or village, or the board of trustees of any township library, shall publish, at least once a week for two successive weeks prior either to giving or to withdrawing such notice, in a legal newspaper, designated by said board of trustees, city council or library board, published in or of general circulation in such city, village or township, notice of such contemplated action, giving therein the date and the place of the meeting at which such contemplated action is proposed to be taken [Laws, 1935, p 364]

Sec 51-404. Board of library examiners; creation; of whom composed; expenses to be paid; duties. A Commission is hereby created to be known as the Board of Library Examiners, consisting of the executive secretary of the Nebraska Public Library or the Nebraska Public Library Commission, who shall be ex-officio chairman of said board, the librarian of the Public Library of the city of Lincoln and the librarian of Omaha Public Library. The members of the said board shall receive no compensation for their services except for actual and necessary expenses incurred while engaged in the business of the commission, to be paid out of the Nebraska Public Library or Nebraska Public Library Commission maintenance Funds. Said Board shall pass upon the qualifications of all persons desiring to become county or regional librarians, and may in writing adopt rules and regulations not inconsistent with law for its own government and for carrying out the purposes of this act. Persons of either sex shall be eligible for certification for the office of county or regional librarian [Laws, 1935, p 365]

Sec. 51-405. County or regional librarian; appointment; term; certificate of qualification. Upon the establishment of a county or regional library the county board or regional library commission shall appoint a county or regional librarian who shall hold office for a term of four years, subject to prior removal for cause, after a hearing by said commission or commissioners. No person shall be eligible to the office of county librarian unless prior to his appointment he has received from the board of library examiners, a certificate of qualification for office [Laws, 1935, p.366.]

Sec. 51-406. County library supervised by county board; may adopt regulations, hire and discharge employees; regional library commissions; appointment; duties. The county library shall be under the general supervision of the county board, who shall have power to make general rules and regulations regarding the policy of the county library, to establish, upon the recommendation of the county librarian, branches and stations throughout the county and may locate said branches and stations in incorporated cities and villages wherever deemed advisable, to determine the number and kind of employees of such library, and appoint and dismiss such employees upon the recommendation of the county librarian. Such employees shall not be removed except for cause, and in case any such removal be made upon the ground that the services of such employees are no longer required, such removed employee shall have the first right to be restored to such employment when such services are again required, but the county board may, at the time of appointing any employee and upon the recommendation of the county librarian, enter into an agreement that such employee be employed for a definite time only. All employees of the county library whose duties require special training in library work shall be graded in grades to be established by the county librarian, with the advice and approval of the executive secretary of the Nebraska Public Library Commission, according to the duties required of them, experience in library work and other qualifications for the service required; and before appointment to a position in the graded service, the candidate must pass an examination appropriate to the position sought, satisfactory to the county librarian, and show a satisfactory experience in library work. Work in approved library schools or libraries, or certificates issued by the state board for the certification of librarians or board of library examiners, may be accepted by the county librarian in lieu of such examination. The county librarian may also accept as apprentices, without compensation, candidates possessing personal qualifications satisfactory to him and may dismiss the same at any time if in his judgment their work is not satisfactory to him. The Regional library shall be under the general supervision of a regional library commission which shall consist of not more than two commissioners from each of the county boards of the counties cooperating to form the regional library. Such commissioners shall be designated by their respective county boards. Their powers and duties and the general management and operation of the regional libraries shall be the same as for the county libraries. [Laws, 1935, p 366]

Sec. 51-407. County, regional librarian; oath; bond; duties; salary and expenses. The county or regional librarian shall prior to entering upon the duties of his office, file with the county clerk or regional library commission the usual oath of office and bond, conditioned upon the faithful performance of his duties, with sufficient sureties approved by a judge of the county court in the county or any one of the counties of which the

librarian is to be the county or regional librarian, in such sum as may be determined by the county board or boards, as the case may be. The county or regional librarian shall, subject to the general rules adopted by the county board or regional library commission, build up and manage, according to accepted principles of library management, a library for the use of the people of the county or region, and shall determine what books and other library equipment shall be purchased. The salary of each of the county librarians shall be paid by each of such counties in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of the other county officers are paid. The county or regional librarian and his assistant shall be allowed actual and necessary traveling expenses incurred on the business of the office, including mileage at the rate fixed by law for members of the county board [Laws, 1935, p 367]

Sec 51-408. Executive secretary of Nebraska public library commission to visit county, regional libraries, conventions of librarians; expenses; how paid. The county or regional libraries of the state shall be under the general supervision of the executive secretary of the Nebraska Public Library or Public Library Commission, who shall from time to time, either personally or by one of his assistants, visit the county or regional libraries and inquire into their condition. The actual and necessary expenses of such visits shall be paid out of the Nebraska Public Library Commission or Nebraska Public Library Commission Funds. The executive secretary of the Nebraska Public Library Commission or Nebraska Regional Library Commission may call a convention of county or regional librarians to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the county or regional libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of the county or regional libraries, as shall properly be brought before it. It is hereby made the duty of all the county or regional librarians to attend and take part in the proceedings of such convention. The actual and necessary expenses of the county or regional librarians attending the convention shall be paid out of the county or regional Library Fund [Laws, 1935, p 367]

Sec 51-409 Annual reports; county regional librarians to prepare; contents. The county or regional librarian shall, on or before the thirty-first day of July, in each year, report to the county or regional library commission and to the executive secretary of the Nebraska Public Library or the Nebraska Public Library Commission on the condition of the county or regional library, for the year ending June thirtieth preceding. Such reports shall, in addition to other matter deemed expedient by the county or regional librarian, contain such statistical and other information as may be deemed desirable by the executive secretary. For this purpose the executive secretary may send to the several county librarians instructions or ques-

tion blanks so as to obtain the material for a comparative study of library conditions in the state. [Laws, 1935, p 368]

Sec. 51-410. Maintenance of libraries; annual tax levy; gifts; county or regional library fund established; county treasurer custodian. The county board or the regional library commissioners through their respective county boards, shall, after a county or regional library has been established, annually levy, in the same manner and at the same time as other county taxes are levied and in addition to all other taxes, a tax not to exceed one mill on the dollar of actual valuation upon all property in such county subject to taxation outside of incorporated cities and villages maintaining public libraries, or a township library and upon all property within incorporated cities, villages or townships maintaining a township library, which have elected to become a part of such county library system as provided in this act, for the purpose of purchasing property for, establishing and maintaining a county library. The county board or the regional library commissioners are authorized to receive, on behalf of the county or region, any gift, bequest, or devise for the county or regional library, or for any branch or subdivision thereof. The title to all property belonging to the county library shall be vested in the county, or that belonging to the regional library shall be vested in the regional library commission. All laws applicable to the collection of county taxes shall apply to the tax for library purposes levied herein. All funds of the county library whether derived from taxation or otherwise shall be in the custody of the county treasurer, and all funds of the regional library, whether derived from taxation or otherwise, shall be in the custody of the treasurer of one of the counties forming the region when properly designated as custodian of funds by the regional library commission. They shall constitute a separate fund, called the "County or Regional Library Fund," as the case may be, and shall not be used for any purposes except those of the county or regional library. Each claim against the county library or regional library shall be authorized and approved by the county or regional librarian, or in his absence from the county by his designated deputy. It shall then be audited, allowed and paid in the same manner as are all other claims against the county. [Laws, 1935, p.368.]

Sec 51-411. County, regional library disestablishment. After a county library has been established it may be disestablished in the same manner as it was established or after a regional library has been established it may be disestablished in the same manner as it was established. [Laws, 1935, p.369]

NOTE—Section 12 of this act (Chapter 114, Laws, 1935, C S Supp 1939, 51-401 to 51-411) is as follows. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

E PUBLIC LIBRARIES

(1) GENERAL PROVISIONS

(1939 Suppl., Nebraska Comp Stats 1929, p 446-447, s 51-201, 51-210, Nebraska Comp Stats 1929, p 1180-1182, s 51-202 to 51-209, 51-211 to 51-213)

Sec. 51-201 Municipal libraries; establishment; taxes; cities second

class; excess levy; procedure. The city council of any city, the board of trustees of any incorporated village, the county board of any county, and the electors of any township at their annual town meeting, shall have the power to establish a public library free for the use of the inhabitants of such city, village, county or township, or to contract for the use of a public library already established and may levy a tax of not more than one mill on the dollar of actual value of all the taxable property within said city, village, township and/or county, annually to be levied and collected in like manner as other taxes in such city, village, county or township, and to be known as the library fund: Provided, however, that the mayor and council in cities of the second class having a population of more than one thousand and less than five thousand inhabitants, are hereby authorized, if it appears that the levy of one mill for library purposes, as aforesaid, is inadequate, to levy a tax of not more than one and one-half mills on the dollar of the actual valuation of all the taxable property within said city of the second class annually, the same to be levied and collected in like manner as other taxes in such city of the second class, and the proceeds of such tax shall be known as and credited to the Library Fund of such city. Provided, when the county board makes a levy for a county library, it shall omit from the levy of the library tax all property within the limits of any city, village or township in such county which already maintains a library by public tax. Provided further, before establishing such county library, or levying such tax, the county board shall submit the question to the voters of the county, and a majority of the voters voting thereon shall have authorized the establishment of such county library and the levying of the tax. Such questions shall be submitted at a general election only, and when so submitted and carried, it is hereby made the duty of the county board to include the county library in its next succeeding estimate and levy [CS 1939, p 446]

Sec. 51-202 Same; library boards; how elected; number; term; directors receive no compensation. When any city council or village board shall have decided by ordinance to establish and maintain a public library and reading room under this article they shall elect a library board of five members to be chosen from the citizens at large, of which board neither the mayor nor any member of the city council or village board shall be a member. The directors first elected shall hold their office, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years from the the first day of July following their election, and one director shall be chosen annually thereafter for a term of five years, and in cases of vacancies by resignation, removal, or otherwise, the city council or village board shall fill such vacancy for the unexpired term: Provided, that the terms of all members of public library boards now organized according to law and containing more than five members shall expire on July 1, 1919: Provided, further, that cities having home rule charters shall have the power to fix, by ordinance,

the number of members of such library boards. No director shall receive any pay or compensation for any services rendered as a member of the board. [1911, p 314; Ann 7067; Comp 4203; R S 1913, 3793; 1919, p.286; 1921, p 831; C.S.1922, 3186]

Sec. 51-203. Same; directors; county; township; directors receive no compensation. When the county board of any county or the electors of any township shall have voted to establish and maintain a public library, the county board of such county or the township board of such township shall appoint a library board of five members, no member of which shall be a member of the county or township board, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, from the first day of July following their appointment; and thereafter the county or township board shall appoint annually one director to serve for a term of five years, and such county or township board shall have the power to fill for the unexpired term any vacancy which may occur in the county or township library board. No director shall receive any pay or compensation or any services rendered as a member of such board [1911, p 314; Ann.7068; Comp.4204; R S.1913, 3794, 1919, p.287; C S 1922, 3187]

Sec 51-204 Same; directors; organization; powers. The directors of any city, village, county, or township library shall immediately after their appointment meet and organize by electing from their number a president, secretary, and such other officers as may be necessary Three members of a city or village library board, and three members of a county or township library board shall constitute a quorum for the transaction of business They shall have the power to make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and reading room as they may deem expedient, not inconsistent with this article. The president shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund and standing in the name of such library board, and the signature of the president on any such release shall be authenticated by the secretary of the board The president and secretary in like manner, upon resolution duly passed and adopted by the board, may renew any such mortgage They shall have exclusive control of expenditures, of all moneys collected or donated to the credit of the library fund, of the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose The library board of any public library may contract with the city council of any city, with the trustees of any incorporated village, with the county board of the county in which such library is located or of any adjacent county, or with the directors of any school district, to furnish the use and privilege of their library to the inhabitants of such city, village, county, township, or school district,

to the extent and upon such terms as may be agreed upon [1911, p.315; Ann.7069, Comp.4205, R S 1913, 3795, 1922, p 3188; 1923, p.363; 1925, p.148]

Sec 51-205 Same; funds; how kept; expended. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of any public library shall be kept for the use of the library, separate and apart from all other funds of the city, village county or township, and shall be drawn upon and paid out by the treasurer of such city, village, county or township upon vouchers signed by the president of the library board and authenticated by the secretary of such board, and shall not be used or disbursed for any other purpose or in any other manner [1911, p 315, Ann 7070; Comp 4206, R S 1913, 3796; C S 1922, 3189.]

Sec 51-206. Municipal libraries; grounds; building rules. Every library board created under the provisions of this article shall have power to purchase or lease grounds, to exercise the power of eminent domain and to condemn real estate, except such as may be already occupied by permanent structures for business purposes, for the purpose of securing a site for a library building, provided, that the person or persons whose property shall be taken or injured thereby shall receive adequate compensation therefor, to be determined by proceedings introduced in the county court, and conducted as the law provides for condemnation by railroad companies, to erect, lease, or occupy an appropriate building for the use of such library, to appoint a suitable librarian and assistants, to fix their compensation and to remove their appointees at pleasure, and shall have the power to establish regulations for the government of such library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency; and to fix and impose, by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, or for failure to return any book, or for violation of any by-law or regulation, and shall have and exercise such power as may be necessary to carry out the spirit and intent of this article in establishing and maintaining a public library and reading room [1911, p 316, Ann 7071, Comp. 4207, R S 1913, 3797, 1917, p 223, C S 1922, 3190]

Sec 51-207 Same; library free. Every library and reading room supported by public tax shall be forever free to the use of the inhabitants of the city, village, county, or township maintaining such library, subject always to such reasonable regulations as the library board may adopt to render such library of the greatest use to the inhabitants of said city, village, county, or township, and the board may exclude from the use of the library and reading rooms any person who shall wilfully violate or refuse to comply with rules and regulations established for the government thereof. [1911, p 316; Ann 7072, Comp 4208; R S 1913, 3798; C.S 1922, 3191.]

Sec 51-208. Same; library board; annual report; contents. The library board shall, on or before the second Monday in June in each year, make a report to the city council or village board or to the county or township board of the condition of their trust on the first day of June of such year, showing all moneys received or expended, the number of books and periodicals on hand, newspapers and current literature subscribed for or donated to the reading room, the number of books and periodicals ordered by purchase, gift, or otherwise obtained during the year, and the number lost or missing; the number of and character of books loaned or issued, with such statistics, information and suggestions as they may deem of general interest, or as the city council, village, county or township board may require, which report shall be verified by affidavit of the proper officers of such board. [1911, p 316, Ann 7073, Comp 4209, R S 1913, 3799; C S 1922, 3192]

Sec 51-209 Same; penalties; how recovered. Penalties imposed or accruing by any by-law or regulation of the library board may be recovered in a civil action before the police magistrate or any justice of the peace or other court having jurisdiction, such action to be instituted in the name of the library board of the city, village, county, or township, and moneys collected in such actions shall be forthwith placed in the treasury of the city, village, township, or county to the credit of the city, village, township, or county library fund [1911, p 317, Ann 7074, Comp 4210, R S 1913, 3800, C S 1922, 3193]

Sec 51-210 Same; library board; may accept donations. Any person may make donation of money, lands or other property for the benefit of any public library and the title to property so donated may be made to and shall vest in the library board of such library and their successors in office, and the board shall thereby become the owners thereof in trust to the uses of the public library of the city, village, township, or county. Said library board may, by resolution, direct the sale and conveyance of any real estate so donated or devised to said library board or to said public library upon such terms as said library board may deem best, but before any such sale is made said library board shall advertise such sale for three weeks in a legal newspaper published in the city, village, township or county in which said public library is situated, and such notice shall set out the time, place, terms, manner of sale, legal description of such real estate and the right to reject any and all bids. If said bid or bids have not been rejected, then said real estate shall be sold to the highest bidder for cash and the chairman of the library board upon resolution of the library board directing him so to do shall convey said real estate to the purchaser of said real estate upon his payment of his bid therefor. Provided, that if a remonstrance against such sale signed by thirty per cent of the electors of such city, village, township or county voting at the last regular city, village, or county election be filed with the governing body of such city,

village, township or county three or more days prior to the day set for sale such property shall not then, nor within one year thereafter, be sold. [C.S.1939, p 447.]

Sec. 51-211. Same; school districts may contract for use. Any school district may at its discretion at its annual meeting, by a majority vote, authorize the school board to contract for the use of a public library by the inhabitants of such district [1911, p.317; Ann 7076, Comp 4212; R.S.1913, 3802; C S 1922, 3195.]

Sec 51-212 Same; library property; exemptions; execution; taxation. The property of any public library shall be exempt from execution and shall also be exempt from taxation, as is other public property. [1911, p.317, Ann.7077, Comp.4213; R S 1913, 3803, C.S 1922, 3196]

Sec. 51-213. Circulating libraries; deposited in public reading rooms; when fee for use charged. The library board shall have power to authorize any circulating library, reading matter, or work of art belonging to any private person, association, or corporation, to be deposited in the public library rooms, to be drawn or used outside of the rooms only on payment of such fee or membership as the person, corporation, or association owning the same may require Deposits may be removed by the owner thereof at pleasure, but the books or other reading matter so deposited in the rooms of any such public library shall be separately and distinctly marked and kept upon shelves apart from the books of the public city or town library, and every such private or associate library or other property so deposited in any public library, while so placed or remaining, shall, without charge, be subject to use and reading within the library room by any person an inhabitant of such city or town and entitled to the use of the free library. [1911, p 318, Ann 7077x1; Comp 4213a, R S 1913, 3804, C S 1922, 3197.]

(2) METROPOLITAN CITIES

(Nebraska Comp Stats 1929, p 170, s 14-102)

Sec 14-102. Additional powers. In addition to the powers herein granted, cities governed by this act shall have power by ordinance

XXVII Libraries, art galleries and museums. To establish and maintain public libraries, reading rooms, art galleries and museums, and to provide the necessary grounds or buildings therefor; to purchase books, papers, maps, manuscripts and works of art, and objects of natural or of scientific curiosity and instruction therefor; and to receive donations and bequests of money or property for the same in trust or otherwise They may also pass necessary by-laws and regulations for the protection and government of the same. [1921, p.398.]

(3) CITIES OF 1,000 TO 5,000

(1939 Suppl, Nebraska Comp. Stats 1929, p 95, s.11-409.)

Sec. 11-409. Precinct bonds; cities 1,000 to 5,000; bonds city hall; li-

brary; auditorium; single building. Any precinct, township, city of the second class, or village, organized according to law is hereby authorized to issue bonds in aid of works of internal improvements, such as improving streets in cities of the second class and****court houses, jails, *municipal libraries*, city and town halls, **** within such municipal divisions, ****, to an extent not exceeding two per cent of the actual value of all the taxable property at the last assessment within such precinct, township, city of the second class or village, in the manner hereinafter directed, viz: First A petition signed by not less than fifty freeholders of the precinct, township, city of the second class or village, shall be presented to the county board, city council of cities of the second class or board of trustees of villages or the board authorized by law to conduct the business within such precinct, township, city of the second class or village is situated. Said petition shall set forth the nature of the work contemplated, the amount of bonds sought to be voted, the rate of interest, which in no event shall exceed six per cent per annum, the length of time said bonds shall run, which in no event shall be less than ten years and no more than twenty years from date thereof; and the said petitioners shall give bond, to be approved by the county board, city council of cities of the second class, or board of trustees of villages, for the payment of expenses of the election, in the event that the proposition should fail to receive sixty per cent of the votes cast at said election. Second. Upon the reception of such petition the county board, city council of cities of the second class or board of trustees of villages, shall give notice and call an election in the precinct, township, city of the second class or village, as the case may be Said notice, call and election shall be governed by the laws regulating the election for voting bonds for a county Provided, that sixty per cent of the votes cast, in favor of a proposition submitted for the issuance of bonds for the acquisition of a site or for the construction of a single building for the purpose of housing the city hall, municipal public library, auditorium or community house in cities of the second class, shall be required as a condition precedent to the issuance of said bonds for the acquisition of said site or for the construction of said building, and provided further, that bonds shall be issued for the purpose aforesaid to an extent not exceeding in the aggregate four per cent of the actual valuation of the taxable property as shown by the last assessment within such city of the second class; and provided further, that the mayor and council in cities of the second class, upon the issuance of said bonds, shall have the power to levy a tax each year not to exceed one mill on the dollar of actual valuation of all the taxable property within said city for the purpose of maintaining the city hall, constructed as aforesaid. [1931 p.96; 1939 p 64.]

(4) CITIES OF 5,000 TO 25,000

(Nebraska Comp Stats. 1929, p 271, s 16-252.)

Sec. 16-252. Libraries and museums. The mayor and council shall have

power to establish and maintain public libraries, reading rooms, art galleries and museums, and to provide the necessary grounds or buildings therefor; to purchase the papers, books, maps, manuscripts and works of art, and objects of natural or scientific curiosity and instruction therefor, and to receive donations and bequests of money or property for the same in trust or otherwise. They may also pass necessary by-laws and regulations for the protection and government of the same. The ownership of the real and personal property of such library shall be in the city. [1901, p 268; 1903, p 241; Ann 8602; Comp 1590, R.S.1913, 4867, C S 1922, 4035.]

(5) CITIES OF 40,000 TO 100,000

(Nebraska Comp Stats 1929, p 238, s 15-228)

Sec 15-228 **Same; public libraries. XXVI.** [Cities of the first class shall have power by ordinance] To establish and maintain a public library and reading room, to purchase books, papers, maps and manuscripts therefor and to receive donations and bequests of money or property for the same in trust or otherwise and pass necessary by-laws and regulations for the protection and government of the same [1901, p 135, Ann 8059; Comp 1240, R.S 1913, 4441; C S 1922, 3825]

F. SCHOOL LIBRARIES

(Nebraska Comp Stats 1929, p 1573, 1585, s 79-515 to 79-517, 79-1104)

Sec 79-515 **Same; shall provide school district library; how financed.** The school board or school trustees of every school district within this state shall set aside annually from the general funds collected for the use of the district the sum of five dollars per teacher employed within the school district as shown by the annual report to the county superintendent. Provided, however, if a sum equal to or greater than above amount is raised by entertainment, or otherwise, and paid into the district library fund the school board of said district will be exempt from making such payment, and provided further that if an amount in excess of \$5 00 per teacher be expended in any one year the excess may be deducted from the required expenditures for the succeeding year or years. The amount so set aside shall be known as the district library fund and shall be by the school board or school trustees of such district annually invested in books other than the regular text books, which books so provided shall be suitable for the district school library. [1907 p 434; 1911 p 430, Ann 11596; Comp 5824a; R S 1913, C S 1922, 6336; 1929 p.344.]

Sec. 79-516 **Same; shall provide rules for care of library and schoolhouse.** The school boards or school trustees shall provide for the care of such library at the schoolhouse and shall prescribe the rules and regulations under which it shall be used by the district [1907 p.434; Ann 11597; Comp 5824b; R.S. 1913, 6796, C S 1922, 6337]

Sec. 79-517 **Same; support of free public library in district.** By direction

of the school board or board of trustees of any school district in which a free public library is maintained and to the support and extension of which a sum not less than three hundred dollars is expended annually, the two next preceding sections, [79-515, 79-516], shall be inoperative. [1907 p 434; Ann. 11598, Comp 5824c, R.S 1913, 6797, C S 1922, 6338]

Sec. 79-1104 Same; requirements necessary for approval. In approving a high school for normal training, as contemplated in this article, the state superintendent shall be governed by the following general requirements, except that in any county not having a high school which can qualify under these requirements the state superintendent of public instruction may designate a high school of lower grade for giving such normal training:
* * *

Fifth. Schools offering this course shall have a reference library of at least three volumes on each of the following fields of professional study—history of education, principles of education, methods and special training in industrial education, including agriculture * * * [1907 p 427, 1911 p 424; Ann. 11642, Comp 5594d, R S 1913, 6839, C S 1922, 6410]

G. COUNTY LAW LIBRARIES

(Nebraska Comp Stats 1929, p 1182, s 51-214)

Sec 51-214 Counties having more than 150,000; law library furnished by county board The county board in counties of the state having more than one hundred and fifty thousand population may, when in their discretion they shall deem it advisable, provide by purchase or otherwise for the procuring and maintaining of a suitable law library for the use of the judges, county attorney and deputies, county officers of their respective counties, and such other persons as the county board may deem proper; such library shall be under the supervision of the judges of the district court of the county wherein the same is located [1911, p 319; Ann 4443x1, Comp 4220a; R S 1913, 3805, C S 1922, 3198]

H. LIBRARY EMPLOYEES' RETIREMENT FUND

(Nebraska Comp Stats 1929, p 176-177, s 14-127 to 14-135)

Sec 14-127 Library employees' retirement fund; creation. In every public library in a city of the metropolitan class in this state there may be created a public library employees' retirement fund, which fund when created, and the management and distribution thereof, shall be under the control of the city council of such city. Such retirement fund shall be created and maintained in the following manner (1) by an assessment of not more than one and one-half per cent of each installment of salary paid to an employee regularly employed in such library, (2) by setting aside from the general fund of such public library or other funds under the control and for the use of such library of an amount which shall not be less than one and one-half times the amount of such salary assessment, and not less than the amount

necessary to meet accrued payments herein provided for; (3) by the receipt by gift, bequest, devise or otherwise, of any real, personal or mixed property, or any interest therein: Provided, however, if at any time the retirement fund shall, in the judgment of this city council become sufficiently large to meet all probable demands on such fund, then in that event the council in its discretion, may suspend temporarily the salary assessment provided for in subdivision 2 hereof. [1921, p.416; C.S. 1922, 3514]

Sec. 14-128 Same; disbursement; investment. Such retirement fund, when thus created and maintained, or so much thereof as shall be necessary, shall be disbursed in the manner hereinafter set forth; and any surplus of such fund not needed for the immediate disbursement may be invested by the city council in any of the following securities: In bonds of the county wherein such public library is situated; in bonds of the city wherein such public library is situated; in bonds of the State of Nebraska, or in bonds of the United States. [1921, p.416, C S. 1922, 3515.]

Sec. 14-129 Same; beneficiaries; length of service. Any employee who have been accredited under the rules and regulations of such library with an aggregate of thirty-five years of service may be retired by the city council, and any employee who may have been so accredited with an aggregate of forty years of service shall be retired. Any employee so retired under either of the foregoing provisions of this section, provided, at least twenty years of such aggregate service shall have been in the public library of such city, shall be entitled to receive from such retirement fund, so long as such person may live, equal monthly payments which shall aggregate four hundred and twenty dollars per annum. [1921, p.417; C S 1922, 3516]

Sec. 14-130 Same; beneficiaries; disabled; incapacitated. Any employee who may have been accredited under the rules and regulations of such library with an aggregate of twenty or more years of service can be retired by said city council on account of disability or incapacity, physical or otherwise. Any employee so retired, provided, at least twenty years of such accredited service shall have been in the public library of such city, shall be entitled to receive from such retirement fund, during the period of retirement, monthly installments, the annual aggregate of which shall be such percentage of the sum of four hundred and twenty dollars as the number of years of such accredited service of the beneficiary shall bear to the term of thirty-five years. Any employee so retired may, at the discretion of the city council, should such employee's incapacity or disability cease or be removed, be reinstated as employee and any right to any payment from the fund herein provided for until such employee be again retired shall cease with such reinstatement. And shall any employee be so reinstated, the period of such retirement shall be included in arriving at the term of service when such employee may again be retired, but no credit for such years of retirement shall be given in arriving at the amount such employee shall be entitled to receive from the retirement fund. [1921, p.417, C.S. 1922, 3517.]

Sec. 14-131. **Same; representative, exemption from judicial process.** No heirs, legatees, creditors or assigns shall be entitled to any money from the fund which may be created under and in accordance with the provisions of this article, whether already accrued or in expectancy, and the same shall be exempt from attachment, garnishment or execution. [1921, p.417; C.S. 1922, 3518.]

Sec 14-132 **Library employees; discharge; forfeiture.** Nothing in this article shall be construed to prevent the discharge of any employee at any time in the discretion of the city council Discharge of any employee for cause other than disability or incapacity, physical or otherwise, or other than for length of service, shall forfeit any right to such employee to benefit from the fund created in accordance with the provisions of this article. [1921, p 418; C S 1922, 3519]

Sec 14-133. **"Employee" construed.** In construing this article, the word "employee" shall include all salaried employees, official or otherwise. [1921, p 418, C.S 1922, 3520]

Sec. 14-134. **Library employees retirement fund; management.** It is hereby made the duty of the city council to keep any fund arising under the provisions of this article as a separate fund, and to disburse or invest the same in accordance with the terms of this article [1921, p 418; C.S.1922, 3521.]

Sec 14-135 **Same; rules; regulations.** The city council shall have power to adopt rules and regulations for the carrying out of the provisions and objects of this article, not in conflict herewith [1921, p.418, C S 1922, 3522.]

NEVADA

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A. STATE LIBRARY

(Nevada Comp Laws 1929, p 2048-2053, s 7085-7090, 7092, 7093, 7095, 7096, 7099, 7103-7107, *Ibid* 1938 Suppl p 127, s 7091)

Sec 7085 Sec 1 **What books and documents preserved in the state library.** All books, maps, and charts, now belonging to, or which may hereafter come into possession of this state, by purchase or otherwise, all books, maps, charts, pamphlets, and other documents, which, by any state officer, may be received in their official capacity from the general government, or in exchange from other states or territories, or received from foreign nations, so donated to the state by any person or corporation, shall be placed in the state library, and shall be carefully preserved by the librarian

Sec 7086 Sec. 2 **State library commission; governor to appoint librarian; bond; salary; librarian may appoint assistant.** The state library shall be under the control of a commission to be known as the state library commission which shall consist of the governor, state controller and secretary of state. A state librarian shall be appointed by the governor who shall hold office at the pleasure of the governor and who shall qualify according to law, and give a bond to the State of Nevada for the faithful performance of his duties, in the sum of five thousand (\$5,000) dollars. The state librarian shall be paid a salary of two thousand four hundred dollars per annum, payable in equal monthly installments, as other state officers are paid. The state librarian shall appoint an assistant, who shall be approved by the state library commission, and shall receive a salary of fifteen hundred dollars per annum, payable in equal monthly installments as other state officers are paid. The state librarian shall be responsible for the safe-keeping of all the property of the state library, and shall cause all books, maps, charts, pamphlets, and other documents thereof to be impressed with the proper stamp or seal after the same has been procured.

The state library commission may adopt rules and regulations for the government of the state library [As amended, Stats. 1915, 310; 1919, 69; 1929, 159.]

Sec. 7087. Sec. 3 Who may take books from the library; number limited. Books may be taken from the state library by the members of the state legislature during its session, and at any time by the governor and other officers of the executive department of this state who are required to keep their offices at the seat of government, the justices of the supreme court and attorney general; provided, that no person shall be permitted to have more than two volumes of miscellaneous works from said library at the same time [As amended, Stats. 1915, 310; 1919, 69; 1929, 159.]

Sec 7088 Sec 4 Register of books issued; how long books retained. The librarian shall cause to be kept a register of all the books issued and returned at the same time they shall be so issued and returned, and none of the books, except the laws, journals, and reports of this state, which may be taken from the library by members of the legislature, during the session, and law books taken by the judges of the supreme court, shall be retained more than two weeks, and all the books taken by members of the legislature shall be returned at the close of the session.

Sec 7089 Penalty for injury or failure to return books; three times value. If any person materially injure or fail to return any books taken from the library within the time prescribed in the foregoing section, he shall forfeit and pay to the librarian, for the benefit of the library, three times the value thereof, or of the set to which it belongs

Sec 7090 Penalties; how recoverable; duty of librarian to bring suit. All fines, penalties, and forfeitures accruing under and by virtue of this act, shall be recoverable by action of debt, before any justice of the peace or court having jurisdiction of the same, in the name of "The State of Nevada," for the use of the state library, and in all such trials the entries of the librarian, to be made as hereinbefore described, shall be evidence of the delivery of the book or books, and of the dates thereof, and it shall be the duty of such librarian to carry the provision of this act into execution, and bring suit for all penalties or injuries mentioned in this act.

Sec 7091. Concerning funds for maintenance of state library. Sec 7 The state library fund shall be maintained by monies appropriated out of the general fund by the legislative. On June 30 and December 31 of each year, the amount paid out of the general fund for the support of the state library during the preceeding six months shall be returned to the general fund out of the state library fund by the state treasurer, and any surplus thereafter remaining in the library fund shall then be apportioned equally between the general fund and the state distributive school fund. [As amended, Stats. 1907, 372, 1921, 204, 1925, 139; 1933, 139.]

Sec 7092. Fee for admission of attorney; library fund. No person

shall be permitted to practice as an attorney or counselor at law, or admitted as such by the supreme court, or any district court of this state, until he shall have paid to the clerk of said court the sum of ten dollars, which amount shall, at the times mentioned, and under like conditions, be paid by the clerk of said court to the state treasurer, as a part of said library fund, provided, that the provisions of this section shall not apply to such persons as have heretofore paid such fee into the library fund of the Nevada Territory, and all moneys which have been, or may hereafter be, collected and paid into the treasury, arising from the admission of attorneys or counselors at law, and provided as a library fund, shall become a part of the state library fund

Sec 7093 Office hours. The office hours for the state library shall be the same as office hours prescribed for or adopted by other state officers.

Sec. 7095. Librarian to purchase books and contract other expenses; examiners to approve claims; law books have preference. The * * * state librarian shall have power to draw from the state treasury, at any time, all money which may be therein belonging to the state library fund, and expend the same in the purchase of books, and binding of magazines, newspapers, and other documents for the state library; provided, that no warrant shall be drawn by the state controller for such purposes unless the bill or account presented by the * * * state librarian, shall be approved and allowed by the board of examiners. In the purchase of books regard shall be had, first, for the procurement of such books on law and reports of judicial decisions as shall be deemed suitable to the wants of the supreme court

Sec 7096 Librarian to report to governor. The * * * state librarian shall on the first Monday of January in each year furnish to the governor, to be submitted by him to the legislature when organized, a full report of the purchase and expenditures for the preceding year and the amount of moneys drawn from the treasury, with the list of all books, magazines, newspapers and other documents missing or acquired during the year, specifying those obtained by exchange, donation or purchase, and make such recommendations as he may deem advisable in connection with the affairs of said library.

Sec 7099. Sec 1 Librarian authorized to sell duplicates; justices of supreme court to approve; may transfer to university library. The state librarian is hereby authorized and directed to sell, at such prices as he may be able to obtain, all duplicate copies of books now in the state library, as well as those that may hereafter become such, that may be set apart for that purpose by the justices of the supreme court, or a majority thereof; provided, that whenever in the opinion of said justices any such duplicate copies will be of service other than mere pecuniary value to the library of the state university, then books thus designated shall by said librarian be reserved for such library and transferred thereto upon the application of the board of regents approved by said justices

Sec. 7103. Sec. 1. Librarian to prepare catalogue; residents may borrow books. The state librarian shall have prepared an author and subject catalog, which shall contain every book in the miscellaneous department of the state library. It shall also contain all rules and regulations relating to said library, and shall be published in the state printing office in pamphlet form, the number of copies of said pamphlet to be designated by the state library commission. The cost of preparing and publishing this catalog shall not exceed the sum of \$2,500.00. A copy of this catalog shall be sent to every school library in the State of Nevada, and to any resident of the state who may apply for same. Whenever any resident of the state, who is vouched for by any resident property tax payer of the state (who shall be the surety hereafter mentioned) outside his immediate family shall apply for any book named in the catalog, the librarian shall send said book to said party prepaid.

Sec. 7104. Sec. 2. Duties of residents borrowing books. The party borrowing the book shall, after retaining it for a period not to exceed four weeks, return same prepaid, to the state library. Failure to return said book within the time specified shall subject the holder to a fine of ten cents per day for every day that the book is retained in excess of the time specified, and should such retention exceed a period of twenty days the state librarian shall declare all the privileges of such delinquent borrower under this act forfeited, and the fine shall be paid by the surety of the borrower, and should any book be damaged or lost the cost of the book or the damage thereto must be made good by the surety, who shall be held liable to the state. The state librarian may at his discretion send out books by insured mail or by express and require that they be returned in the same way.

Sec 7105 Sec 3 School districts may borrow books In like manner any school district in the State of Nevada may, through application by the teacher thereof, or where a principal is employed, by the principal thereof, or a member of the board of trustees, borrow books, not to exceed in number twelve at any one time, and for a period not to exceed four weeks, except that no personal surety shall be required. In case of any penalty being incurred the same shall be the first claim against the library fund of such district until the same shall be paid in full.

Sec. 7106. Sec. 4. Duty of state printer. The state printer is hereby required to print the catalogue of the library and other matters pertaining thereto and such supplements to this catalogue from time to time as the state library commission may designate.

Sec 7107. Sec 5. Fines and penalties for library fund. All fines and penalties provided for in this act shall be paid into the state library fund, and duly accredited thereto.

B. STATE HISTORICAL SOCIETY

(Nevada Comp Laws, 1929, v 2, p 1346-1348, s 4680-4689, *Ibid* v 3, p 2292-2293, s 8002-8005)

C. COUNTY LIBRARIES**(1) GENERAL PROVISIONS**

(Nevada Comp Laws, 1929, v 2, p 1581-1582, s 5595-5598)

Sec 5595. County commissioners may establish free libraries; proviso. The county commissioners of the several counties of the State of Nevada may set apart the sum of fifteen hundred dollars (\$1,500) to be used in the establishment and maintenance of a free public library in the county seat in each county in the State of Nevada, and each year thereafter said board of county commissioners shall set apart an amount sufficient to adequately maintain the same, but not exceeding the amount originally set apart, provided, that in cases where the total assessable property valuation of the county decreases to the extent of fifteen per cent or more, then the appropriation may, in the discretion of the board of county commissioners, be discontinued. The fund so created shall be known as the "Public Library Fund" [As amended, Stats 1927, 84]

Sec 5596 Board of education to appoint library trustees; proviso The county board of education of any county of the State of Nevada, whenever notified by the chairman of the board of county commissioners of said county, shall appoint three competent persons who are residents of such county, to be known as library trustees, who shall hold office for a period of one, two and three years respectively, and said county board of education shall annually thereafter appoint one library trustee, who shall hold office for a period of three years, and all vacancies which may occur at any time in the said office of library trustee shall be filled by appointment by the said county board of education, provided, that in those counties of the state wherein there may be no county board of education, the duties herein conferred to the several county boards of education shall be performed by the county commissioners of said counties. Said trustees shall serve without compensation, and shall hold office until their successors are appointed and qualified.

Sec 5597 Claims paid out of library fund. All claims for indebtedness incurred or created by said library trustees shall be audited by a majority of said library trustees, and presented to and acted upon by the board of county commissioners, and paid out of said library fund in the same manner as claims against the county are presented, acted upon and paid. No indebtedness in excess of the amount provided for in section 1 of this act, shall be incurred by said library trustees, or allowed by the board of county commissioners, and in no case shall any claim except for library and reading room purposes be allowed or paid out of said library fund. Any moneys remaining in said fund on December 31 of any year shall revert to the general fund of the county

Sec 5598 Free and accessible to public. Said library and reading room shall forever be and remain free and accessible to the public, subject to

such reasonable rules and regulations as said library trustees may adopt.

(2) TRANSFER OF SCHOOL LIBRARIES

(Nevada Compiled Laws, 1930, v2, p 1582, s 5599, 5600)

Sec 5599 Libraries to be combined; when. s.1 Whenever a new public county library shall be provided for in any county in this state having a population of fifteen thousand or more persons, the trustees of any school of such trustees to said new library, upon the demand of the trustees of district library in said county previously established are hereby authorized to transfer all books, funds, equipment, or other property in the possession of such trustees to said new library, upon the demand of the trustees of said new library.

Sec 5600 Payment of expenses. s 2 All expenses incurred in making such transfer shall be paid out of the general fund of said new library

D. COUNTY LAW LIBRARIES

(Nevada Comp Laws, v 1, p 695-698, s 2250-2265)

Sec 2250 Law libraries for each county of state; proviso. s 1. On the commencement in, or removal to, the district court of any county of this state of any civil action, proceeding or appeal, on filing the first paper therein, the clerk of said court shall set aside from the costs received such sum as shall be established by ordinance of the county commissioners, not exceeding five (\$5) dollars in any case, for a fund which shall be designated as the "Law Library Fund," to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled and said fund be expended by the board of trustees hereinafter provided, provided, wherever it shall appear to the board of county commissioners of any county having a law library that for any reason any debt incurred in the purchase and establishment of such library has not been fully paid or materially reduced, with the funds herein provided for that purpose, within the period of five years next immediately preceding, such board of county commissioners may, at the next annual tax levy, levy a special tax upon all taxable property within the county, both real and personal, including the net proceeds of mines, sufficient to raise a sum which will discharge any such indebtedness, but no more; said sum to be placed in the treasury of the county in the "Law Library Fund," and used by the board of law library trustees for the payment of such indebtedness and for no other purpose [As amended, Stats 1927, 74]

Sec 2251. Funds; how kept. s 2 All moneys set aside as hereinbefore provided shall be paid by said clerk into the hands of the treasurer of his county, who shall keep the same separate and apart in the "Law Library Fund," and shall be drawn therefrom as hereinafter provided, but only to be used and applied to the purpose herein authorized.

Sec. 2252. Government of libraries. s 3. Any law library established under the provisions of this act shall be governed and managed by the "Board of Law Library Trustees" hereinafter provided

Sec. 2253. Trustees for library. s 4. There shall be in every county of this state a board of law library trustees, consisting of five members, to be constituted as follows: In every county the district judge or judges of the district in which the county is situated shall be ex officio such a trustee; and the board of commissioners shall appoint a sufficient number of trustees to complete the board of five from members of the bar of the county to act as such trustees; such appointments shall be made at the first meeting of the board of commissioners after this act is approved, and the appointee shall serve until the first meeting of the board of commissioners in the succeeding January, and the said board shall, at any such meeting in each succeeding January, appoint such a trustee to serve for the term of one year.

Sec 2254 No salary allowed. s 5 The office of trustee shall be honorary, without salary or other compensation.

Sec 2255. Powers of trustees. s 6 Such board of trustees, by a majority vote of all their members, to be recorded in the minutes, with ayes and noes at length, shall have power

First.—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of such library, and all property belonging thereto, or that may be loaned, devised, bequeathed or donated to the same.

Second —To remove any trustee who may neglect to attend the meetings of the board of trustees, or who may absent himself from such meetings, and fill all vacancies that may from any cause occur in the board

Third —To define the powers and prescribe the duties of any and all officers, determine the number, and elect all necessary subordinate officers and assistants, and at their pleasure remove any officer or assistant

Fourth —To purchase books, journals, publications, and other personal property.

Fifth —To order the drawing and payment, upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the law library fund, for any liability or expenditure herein authorized, and generally to do all that may be necessary to carry into effect the provisions of this act

Sixth —To fix the salaries of the librarian, secretary and of other subordinate officers and assistants

Seventh —To contract with any existing law library association to make use of its library for the purpose of a public law library, under proper rules and regulations to be prescribed by the board of trustees; either by lease or such other contract as may best carry the purposes of this act into effect.

Sec 2256 Orders of trustees; how paid s 7 The orders and demands

of the trustees of any such public law library, when duly made and authenticated as above provided, shall be verified and audited by the auditing officer, and paid by the treasurer of such county out of the library fund properly belonging thereto, of which full entry and record shall be kept as in other cases.

Sec 2257. Trustees to make report. s 8 The said board of trustees, on or before the first Monday in December of each year, shall make an annual report to the board of commissioners of their county, giving the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals, and other publications on hand, the number added by purchase, gift or otherwise during the year, the number lost or missing, and such other information as might be of interest. A financial report, showing all receipts and disbursements of money, shall also at the same time be made by the secretary of the board of trustees, duly verified by his oath.

Sec 2258. Room provided. s 9 The board of commissioners of any such county shall provide a library room for the use of such library, whenever such room may be demanded by such board of trustees.

Sec 2259. Monthly meetings of trustees. s 10 The said board of trustees shall meet the first Tuesday of each month, and at such other times as they may appoint, at a place to be appointed for that purpose, and a majority of all their number shall constitute a quorum for business. They shall appoint one of their number as president of their board. They shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and a record and full minutes, in writing, of all their proceedings. They may appoint a librarian. The secretary may certify to such proceedings, or any part or portion thereof, under his hand, verified by an official seal, adopted and provided by the trustees for that purpose.

Sec 2260. Privileges of library. s 11. Said library shall be free to the judiciary and county officials of said county, without payment of dues, and free to all inhabitants of said county, upon payment of such dues as may be ordained by said trustees, and under such rules and regulations as may be by them provided.

Sec 2261. Secretary of state to furnish state publications. s 12 The secretary of state is hereby authorized and directed to transmit to the county clerk of each county of the state, for the use of said library, a copy of each and every publication which may hereafter be made by this state, and especially a copy of each report of the decisions of the supreme court, and of the statutes of this state, and also a copy of all such reports and statutes heretofore published.

Sec 2262. State librarian to furnish certain volumes. s.13. The librarian of the state library is hereby authorized and directed to distribute among

the law libraries herein provided for such duplicates of books as may be in the state library, and not needed for its own purpose

Sec. 2263 Conflicting acts repealed s 14. All acts and parts of acts in conflict with this act are hereby repealed; provided, however, that wherever a law library and a board of trustees to govern the same is already provided by law in any county, or city and county, in this state, this act shall not affect such library or board of trustees, or be considered a repeal of any legislation under which such library is established and now governed, and provided further, that it shall be discretionary with the board of commissioners of any county to provide by ordinance for the application of the provisions of this act to such county

Sec 2264 County commissioners to act. s 15 Whenever the board of commissioners in any county in this state which shall have adopted the provisions of this act and have established a law library, desire to discontinue such law library, they shall by ordinance so declare their intentions so to do, and shall provide in such ordinance that the books already in the library shall be transferred to and kept in the chambers of the judges of the district court of such county; and all moneys on hand in the library fund of such county shall be by the same ordinance transferred to the school fund of such county, and the office of the board of trustees of such law library shall be abolished After such an ordinance shall take effect the county clerk of such county shall not set aside the fees provided for in section 1 of said act

Sec 2265 Duties of county commissioners; "Law Library Fund" created. s 15a Whenever any law library established under the provisions of this act, being uninsured shall have been destroyed by fire or other public calamity, the board of county commissioners of the county in which such library was situate shall, at the next time that other tax levies are made, levy a special tax upon all taxable property, both real and personal, of said county, sufficient to raise a sum which will discharge any indebtedness owing for books so destroyed and a further sum sufficient to enable the board of law library trustees of said county to replace such library or to provide one substantially like it, provided, however, that the sums so to be raised for such purposes shall not exceed in the aggregate the sum of five thousand dollars for any one law library, and provided further, that the proceeds derived from such special tax levy shall be placed in the treasury of the county in the fund known as the "Law Library Fund" as designated in sections one and two of this act, and shall be drawn upon for the purpose herein authorized by the board of law library trustees [Added, Stats 1925, 50]

E. MUNICIPAL LIBRARIES

(Nevada Comp Laws 1929, v 1, p 331, s 1128, *Ibid* v 2, p 1579-1580, s 5590-5594)

Sec 1128 Powers of city council. s 28 The city council shall have the following powers: * * *

61. To establish, maintain and regulate free public libraries, and reading rooms as is or may be provided by law, and to perpetuate free libraries and reading rooms as may have been heretofore established in such cities.

Sec 5590 Sec 1 On petition, commissioners to levy tax for library fund. Whenever in any county in the State of Nevada a petition or petitions for the establishment of a free public library, certified by the district judge of any judicial district of the State of Nevada as being signed by a majority of the taxpayers or by taxpayers representing a majority of the taxable property, as shown by the last preceding assessment roll of any city, unincorporated town or school district shall be presented to the board of county commissioners of the county in which said city, unincorporated town or school district is situated, accompanied by affidavit of one or more of the signers thereof that the signatures thereto are genuine, the said board of county commissioners shall within ten days after said petition or petitions are so presented, levy a tax upon all taxable property of said city, unincorporated town, or school district of not less than five nor more than ten cents on each one hundred dollars valuation of taxable property therein for the purpose of creating a fund to be known as the "Library Fund" And each year thereafter said board of county commissioners at the time and in the manner other taxes are levied shall levy a tax upon said property for said purpose of not more than ten cents on each one hundred dollars valuation thereof [As amended, Stats 1897, 30, 1901, 37, 1901, 99, 1907, 181]

Sec 5591 Sec 2 School trustees to appoint library trustees. The board of trustees of said school district or of the school district in which said city or unincorporated town is situated, whenever notified that a petition has been presented as provided in section 1 of this act, shall appoint three competent persons who are residents of such city, unincorporated town or school district, to be known as library trustees, who shall hold office for the period of one, two, and three years, respectively, and said board of school trustees shall annually thereafter appoint one library trustee who shall hold office for the period of three years. All vacancies which may occur at any time in the said office of library trustee shall be filled by appointment by the said school board, and the said library trustees shall serve without compensation, and shall hold office until their successors are appointed and qualified [As amended, Stats 1901, 38; 1925, 129]

Sec 5592 Sec 3 Powers of library trustees. Said library trustees shall have power to, and shall establish and maintain a library and reading room, make purchases, secure rooms, employ assistants, appoint officers, establish by-laws and regulations, and manage and control the affairs and business of said library, and they and their successors, shall hold and possess the property and effects of said library and reading room in trust for the public and for the purpose of said library and reading room, and may as said

library trustees, and for the purpose hereinbefore provided, acquire and hold real estate and personal property, by purchase or bequest, and administer any trust declared or created, for such library or reading room, and prosecute, maintain or defend any action, in reference to the property or affairs of said library and reading room.

Sec. 5593. Sec. 4. **Manner of paying claims** All claims for indebtedness incurred or created by said library trustees shall be audited by a majority of said library trustees, and presented to and acted upon by the board of county commissioners, and paid out of said library fund in the same manner as claims against the county are presented, acted upon and paid. No indebtedness in excess of the amount of money, to be realized in any year from said levy for said library fund, shall be incurred by said library trustees, or allowed by the board of county commissioners, and in no case shall any claim except for library and reading room purposes be allowed or paid out of said library fund.

Sec. 5594 Sec. 5. **Library and rooms to be free.** Said library and reading room shall forever be and remain free and accessible to the people of such city, unincorporated town or school district, subject to such reasonable rules and regulations as said library trustees may adopt

F. SCHOOL LIBRARIES

(Nevada Comp Laws, 1938 Supp p6, s 5801, *Ibid* p2, s 5653)

Sec 5801. **School trustees to purchase books for library.** The trustees of each school district shall annually expend for library books a sum of money, not less than five dollars for each teacher to which the district is entitled, and shall pay for them in the same manner as for other school supplies. The books so purchased shall be such as have been approved by the superintendent of public instruction under such rules and regulations as the state textbook commission may prescribe, provided, that districts of first class may purchase suitable books without such restrictions; and provided further, that in case any district shall have failed to expend the required amount by the close of the school year for library books as prescribed by this act, the superintendent of public instruction may deduct from the next semiannual apportionment of the county school fund due such district such part of the required expenditures for library books as the trustees of such district have failed to expend as required in this section, and the amounts so deducted shall be returned to the county school fund of the county in which such district lies [As amended Stats 1933, 183.]

Sec 5653. **State board of education.** The powers and duties of the state board of education shall be as follows: * * *

To adopt lists of books for district libraries; provided, that boards of trustees in districts of the first-class may make additional adoptions; and

provided further, that such books shall not contain or include stories in prose and poetry whose tendency would be to influence the minds of children in the formation of ideals not in harmony with the truth and morality.

NEW HAMPSHIRE

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A. STATE LIBRARY

(New Hampshire Pub. Laws, 1926, v 1, p 57-59, ch 10, s 1-29, as amended by Laws, 1927, p 115, ch 92, Laws 1937, ch 127, s 1, Laws 1939, ch 184, s 3)

Ch. 10, sec 1 **Functions.** A state library shall be maintained for the use of the members of the legislative, executive and judicial departments of the state government, and as a reference library for the use of every citizen of the state. [1917, 59 1]

Sec 2 **Trustees; appointment.** The governor, with the advice and consent of the council, shall appoint three persons as trustees of the state library [Ibid]

Sec 3 **Same; tenure.** Their term of office shall be six years and until their successors are appointed and qualified [Ibid]

Sec 4 **Same; qualifications.** No more than two of the trustees shall be of the same political party [Ibid]

Sec 5. **Same; compensation.** The trustees shall serve without compensation, but their actual expenses, incurred in the performance of their duties, shall be paid by the state [Ibid]

Sec. 6. **Same; vacancies.** Vacancies shall be filled by the governor, with the advice and consent of the council, for the unexpired term [Ibid]

Sec. 7. **Same; removal.** Upon reasonable cause shown, the governor, with the advice and consent of the council, may remove members of the trustees [Ibid.]

Sec 8 **Same; powers.** Except as otherwise provided by law, the trustees shall have full power and authority as to all matters pertaining to the state library, its maintenance and use. [Ibid]

Sec 9 **Maintenance.** Appropriations shall be made by each legislature for the following items of maintenance for the state library Salaries,

which shall include all payments for expenses incurred by the trustees, the state librarian and employees; books, which shall include periodicals and the binding of books and periodicals; maintenance, which shall include all expenses necessary for the running of the state library and the running and repair of the state library building. [*Ibid.*]

Sec. 10. **Books and periodicals.** The trustees shall purchase such books and periodicals for the increase of the state library as in their judgment will best increase its efficiency as a reference library in all departments of learning. [*Ibid.*]

Sec. 11. **Rules.** The trustees shall make such rules and regulations as to the management and use of the state library as in their judgment will make it most efficient as a general reference library [*Ibid.*]

Sec 12 **Librarian; appointment** The trustees shall appoint a state librarian to manage the affairs of the state library under their supervision. [*Ibid.*]

Sec 13 **Same; tenure.** His term of office shall be three years and until his successor is appointed [*Ibid.*]

Sec 14 **Same; removal.** The trustees may remove him for reasonable cause shown [*Ibid.*]

Sec. 15 **Same; duties.** The trustees shall specify his duties and may delegate such of their powers to him as in their judgment will be for the best interests of the library He shall act as secretary of the trustees [*Ibid.*]

Sec. 16 **Same; salary.** His salary shall be twenty-five thousand dollars a year [1921, 118.1.]

Sec. 17. **Same; assistants.** The trustees shall allow the librarian to employ a cataloguer at a salary not to exceed eighteen hundred dollars a year, and such assistants in the work of the library, and at such compensation, as the governor and council may approve [N H Laws, 1927, p.115, ch.92.]

Sec. 18 **Legislative reference service.** The trustees shall establish within the state library such catalogues and collections as in their judgment will make it most serviceable in matters of legislation. [1917, 59:1]

Sec. 19 **Deposit of collections.** The trustees may become custodians for the state of collections of books, pamphlets, maps, manuscripts and other material, upon such terms and under such regulations as to them seem just. [*Ibid.*]

Sec 20. **State publications.** Eighty copies of all reports of state departments and institutions and all other state publications except session laws, journals and state papers, bound in the usual form, shall be delivered to the state library upon publication [*Ibid.*]

Sec. 21. **Surplus publications.** The trustees may dispose, by sale or exchange, of all or any part of the surplus state publications deposited in

the state library. Money from sales, after deducting all expenses incurred, shall be paid into the state treasury. [*Ibid.*]

Sec 22. **Exchanges of publications.** The trustees may make such agreements for the exchange of the publications of this state for those of other states, governments, institutions, libraries and persons as in their judgment will be for the interests of the state library. [*Ibid.*]

Sec. 23 **Reports.** The report of the state librarian shall be made biennially to the trustees, and they shall submit the same with their report to the governor. They shall cause a reasonable number of copies of the reports to be printed and distributed [*Ibid.*]

Sec 24. **County reports.** Within thirty days after publication, the county commissioners of each county shall forward to the state library two copies of the report of the county for the previous fiscal year. [*Ibid.*]

Sec 25 **Town reports.** Within thirty days after publication, each city and town clerk shall forward to the state library, to the New Hampshire Historical Society and to the New Hampshire Genealogical Society two copies each of the report of the city or town for the previous fiscal year. [*Ibid.*]

Sec. 26. **Educational publications.** Within thirty days after publication, the head of each institution of learning in this state shall forward to the state library two copies, to the New Hampshire Historical Society two copies and to the New Hampshire Genealogical Society one copy of all books, pamphlets and periodicals published by the institution [*Ibid.*]

Sec. 27. **Corporation reports.** Within thirty days after publication, officers of all corporations, both domestic and foreign, shall file in the state library copies of all printed reports as to the affairs of the corporation [*Ibid.*]

Sec 28 **Check-lists.** Supervisors of towns and corresponding officers of cities shall, within seventy-two hours of the closing of the polls for each presidential election hereafter, send to the state library one of the check-lists used in said election, certified by said officers [1937, 127.1.]

Sec 29. **Library building.** The governor and council shall be the custodians of the state library building and grounds, maintain them in suitable repair and provide for keeping them in suitable condition at all times for the use of the state library and the supreme court. The exclusive control of the supreme court rooms in the state library building shall be vested in the judges of the supreme court [1939, 184.3]

B. PUBLIC LIBRARY COMMISSION

(New Hampshire Pub. Laws 1926, v 1, p 59-62, ch 10, s 30-49, as amended by Laws 1927, p 99, ch 82, Laws 1933, p 117, ch 89)

Ch 10, sec 30 **Establishment.** There shall be a public library commission of New Hampshire, consisting of four residents of the state and the state librarian, ex officio [1917, 59.1]

Sec. 31. **Appointment.** They shall be appointed by the governor, with the advice and consent of the council, for terms of four years and until their successors are appointed and qualified. [*Ibid.*]

Sec. 32 **Vacancies.** Vacancies in the commission shall be filled in like manner and for the unexpired term [*Ibid*]

Sec 33 **Qualifications.** Two members of the commission shall be appointed from each of the two leading political parties Women may be members. [*Ibid.*]

Sec. 34. **Removal.** The governor, with the advice and consent of the council, may remove any member of the commission, after proper cause shown at a hearing, duly notified, and may appoint a successor for the unexpired term. [*Ibid*]

Sec 35 **Compensation.** No member of the commission shall receive compensation for his services, but his actual expenses when in the discharge of his duties shall be paid out of the general fund. [*Ibid*]

Sec 36 **Organization.** The board shall organize by the election of a chairman and the appointment of such committees as it deems advisable. [*Ibid*]

Sec 37 **Rules.** The commission may adopt such rules and regulations for its government as may best suit the purposes for which it is appointed [*Ibid*]

Sec. 38 **Secretary; assistants; compensation.** The commission may employ a secretary, at a salary of two thousand dollars a year, an assistant secretary, and such clerical assistants as it deems advisable. The compensation of the assistant secretary and of the assistants shall be fixed by the commission [N H Laws, 1927, p 99, ch 82.]

Sec 39 **Secretary; duties.** The secretary's duties shall be prescribed by the commission and may include visiting free public libraries of the state for the purpose of giving aid and advice toward their development. [1917, 59 1]

Sec 39a. The secretary of the Public Library Commission shall purchase such books and periodicals for the use of said commission as in his judgment will best increase its efficiency [Laws, 1933, ch 89, p.117.]

Sec 40 **Assistance to libraries.** The librarian or trustees of a free public library may ask the commission for advice in regard to the selection and cataloguing of books and any other matters pertaining to the maintenance and administration of a library, and the commission shall give such advice in regard to such matters so far as it finds its practicable to do so. [1917, 59 1.]

Sec. 41 **Aid to establishment.** The commission is authorized to expend, upon the application of any town having no free public library owned and controlled by the town, a sum not exceeding one hundred dollars for

books for such town qualifying under this section. Books so purchased shall be used for the purpose of establishing a free public library in such town. No town shall be entitled to the benefits of this section until it has established a free public library and provided for the maintenance thereof under this chapter, has voted to accept the provisions of this section and has provided in a manner satisfactory to the commission for the care, custody and distribution of the books to be furnished. The commission shall select and purchase all books provided for under this section. [*Ibid.*]

Sec. 42. Annual aid. The commission may, in its discretion, assist free public libraries as follows: If the library trustees of a town, whose apportionment of the state tax is one dollar or less, satisfy the commission that the free public library in their charge is doing practical and efficient work for the public benefit and is rendering useful assistance to the public schools of the town, the commission may expend not exceeding one hundred dollars annually for the purchase of books for each of such libraries. No library shall be entitled to the benefits of this section unless it has complied with all provisions of this chapter with reference to free public libraries. [*Ibid.*]

Sec. 43. Institutes. For the purpose of rendering assistance to the librarians of free public libraries, the commission may annually hold a school of instruction, at such time and place as may best serve the public interest. The trustees of free public libraries are empowered to pay out of the library fund the necessary expenses of their librarians in attending such school of instruction. [*Ibid.*]

Sec. 44. Traveling libraries. The commission may establish traveling libraries, purchase books and necessary equipment for the same, make necessary rules and regulations for the use thereof and in all ways manage and control them. Traveling libraries may be loaned by the commission to such schools, libraries, literary or other associations as shall conform to the rules and regulations made by it [*Ibid.*]

Sec. 45. Board of visitors. The commission may appoint one or more persons in each county as a board of visitors for such county. Visitors so appointed shall from time to time visit the free public libraries in the county and offer aid and advice in every way possible. [*Ibid.*]

Sec. 46. Bulletin. The commission shall issue a library bulletin four times in each year, which shall contain recommendations as to the best methods to be employed in library work, together with notes on library progress and such other matters of general information relating to library work, and such indexes and other bibliographical matters designed to aid in the administration of public libraries in connection with the state library, as they may deem proper. Said bulletin shall be printed and distributed under the direction of the commission, one copy being sent to each free public library in the state and to such other persons and libraries as the

commission may direct [Chandler v. Eastman (1908) 75 N.H. 88, 71 Atl.221] [*Ibid.*]

Sec. 47. Reports. The commission shall make a biennial report of its doings to the governor. One thousand copies of such report shall be printed, and one copy shall be given to each member of the legislature, one copy sent to each free public library in the state and the balance distributed as the commission shall direct [*Ibid.*]

Sec. 48. Quarters. The trustees of the state library shall furnish suitable quarters in the state library building for the commission, its secretary and assistants [*Ibid.*]

Sec. 49. Appropriations. The legislature, in making appropriations under this subdivision, shall designate them as follows Salaries, annual aid; traveling libraries, field work, institutes, reports, incidentals; clerical expense bulletin [Laws, 1933, ch 89, p 117]

C. DISTRIBUTION OF PUBLIC DOCUMENTS

(New Hampshire Pub Laws 1926, p 47-49, ch 5, s 1,4, Laws 1941, ch 22, s 10, Laws 1933, p 90, ch 70, s 10a,10b)

Ch 5. Sec 1 Session laws. At the close of a legislative session the secretary of state shall cause 10,000 copies of the public acts and resolves of such session to be printed in pamphlet form and distributed free to public libraries, judges, attorneys and to citizens requesting the same [1919, 3.1] [1921, 66 1]

Sec. 4 Bills and resolutions. The clerks of the senate and house of representatives shall cause to be printed seven hundred and fifty copies of every bill and joint resolution after its second reading, and shall cause one each of such copies to be distributed to each member of those bodies as soon as printed Twenty-five copies of each shall be delivered to the state library [1869, 1:7 P.S. 15 14, 1919, 3 5]

Sec 10 Distribution of acts, resolves, etc. One copy of each publication provided for in sections 2, 5, 6, and 8 shall be sent by the department responsible for its issue, free of charge except as hereinafter provided, to each of the following officers and bodies Governor, each member of the council, each department and institution of the state, the justices and clerks of the supreme and superior courts, each free public library established under the laws of the state, the town clerk of each town, the Library of Congress and state or territorial library of each state and territory in the United States. Provided, that in case any state or territory makes a charge to the New Hampshire state library for copies of its laws, the Secretary of State is hereby authorized to make the proper charge for copies of the laws of New Hampshire when forwarded to the state or territorial library of such state or territory Said departments may make such further free distribution of such publications as they may deem wise, or as the governor and council may direct, provided that each member of the legislature shall

be furnished one copy of the manual and of the session laws and one copy of each departmental and institutional report on application [Laws 1941, ch.22, s.10.]

Sec. 10-a Distribution of statutes and reports; when discontinued. Upon notification that the trustees of any free public library have voted not to receive or keep any books or reports which the secretary of state is required by law to distribute thereto, the secretary of state shall discontinue said distribution to said library. [L 1933, ch 70, s 10a, 10b]

Sec. 10-b Disposal of books and reports. Books and reports furnished free by state departments which are in the custody of any free public library may be disposed of at the best price, if any, that can be obtained and only with the approval of the secretary of the public library commission and of the secretary of state [L 1933, ch 70]

D. MUNICIPAL LIBRARIES

(New Hampshire Pub Laws 1926, v 1, p 62-64, ch 10, s 50-61, as amended by Laws 1927, p 99-101, ch 82, s 2-5, Laws 1933, p 64-66, ch 60, Laws 1926, v 1, p 180-181, ch 42, s 4, *Ibid* p 204-205, ch 47, s 5, 7, as amended by Laws 1933, p 89-90, ch 69)

Ch 10, sec 50 **Status.** Every public library established by a town shall remain forever free to the use of every resident of the town wherein it is located The words "public library" may be construed to include reference and circulating libraries, reading rooms and museums regularly open to the public [1917, 59.1]

Sec 51 Maintenance. The selectmen in each town shall assess annually, upon the ratable estates taxable therein, a sum to be computed at the rate of thirty dollars for every dollar of the public taxes apportioned to such town, and so for a greater or less sum The town may raise a sum exceeding the amount aforesaid, which shall be assessed in the same manner. The sum so assessed shall be appropriated for establishing and maintaining a free public library within such town or for the purposes provided for in section 51-a Trust funds established for the use of a free public library shall be held in the custody and under the management of the town trustees of trust funds The income from such funds shall be paid over to the trustees of the library within one month after each installment of income is received [Laws, 1933, p.64, ch 60]

Sec 51-a Library service. Any town may, by majority vote, establish library service for its inhabitants If a town votes to establish such service the selectmen and the library trustees, if any, shall petition the trustees of a free public library in an adjoining town or city in this state, or when distance or transportation facilities make it advisable in another state, for library service and, if the petition is accepted, the selectmen or trustees may make contract for any such service The library trustees of any city or town in the state supporting and maintaining a free public library or any

library in such town are hereby authorized and empowered to enter into a contract, for a period not exceeding three years subject to renewal, with any other town to permit the residents of said town the full use of said library, upon terms and conditions to be agreed upon by said board of library trustees and the selectmen or trustees of the petitioning town, subject to the approval of the public library commission. [L 1933, p 65, ch 60]

Sec. 51-b. **Requirements.** The contract provided for in the preceding section shall provide that the people of the petitioning town shall have the same rights and privileges of the library as residents of the town wherein the library is located [L 1933, p 65, ch 60]

Sec. 51-c **Discontinuance of library.** Any town maintaining a free public library established by expenditure of town funds may by majority vote discontinue said library In case of such discontinuance the library property of the town may be loaned or disposed of by the library trustees, subject to the approval of the public library commission The provisions of this section shall not apply in cases where a free public library has been acquired by the town in whole or in part by donation or request [Laws, 1933, p.65, ch 60]

Sec 52 **Trustees; election.** Except in cases where a free public library has been acquired by the town, in whole or in part, by donation or bequest containing other conditions or provisions for the election of its trustees or for its care and management, which conditions have been agreed to by vote of the town, every town shall, at a duly warned town meeting, elect by ballot a board of library trustees, consisting of any number of persons divisible by three which the town may decide to elect At the first election one-third of the trustees shall be elected for one year, one-third for two years, and one-third for three years, and thereafter one-third of the number annually for a term of three years, or until others are chosen in their places [1917, 59.1.]

Sec 53 **Same; eligibility.** Any resident of the town, having attained the age of twenty-one years, is eligible to election as trustee [*Ibid*]

Sec 54 **Same; organization** The trustees so elected shall organize annually by the choice of a chairman, a secretary, and a treasurer from their own number. [N H Laws, 1927. p 100]

Sec 55 **Same; vacancies.** Whenever a vacancy shall occur in the board the remaining members shall give notice of the fact in writing to the selectmen of the town, who shall by appointment fill such vacancy until the next annual town meeting. [1917, 59 1]

Sec 56 **Duties.** Unless otherwise ordered by vote taken in town meeting the library trustees elected by the town shall have the entire custody and management of the free public library, and of all the property of the town relating thereto, except trust funds held by the town. All money raised or appropriated by the town for library purposes shall be expended

by the library trustees for the support and maintenance of the free public library in said town or expended for the support of a library in another city or town under contract to furnish library service to such town. The income from all trust funds for library purposes shall be expended or retained by the trustees for the support and maintenance of the free public library in said town in accordance with the conditions of each donation on bequest accepted by the town. The library trustees shall engage and have oversight over the librarian, assistants and other employees, and shall prescribe rules for the operation of the library [Laws, 1933, p 68, ch.60]

Sec. 57 Same; reports. The trustees shall make an explicit report to the town at each annual town meeting of all their receipts and expenditures and of all the property of the town in their care and custody, including a statement of any unexpended balance of money they may have and of any bequests or donations they may have received and are holding in behalf of the town, with such recommendations in reference to the same as they may deem necessary for the town to consider. They shall also make a report annually to the public library commission, showing to what extent the provisions of the foregoing sections have been complied with by the town. [1917, 59 1.]

Sec 57-a. Compensation. No trustee of any free public library shall receive any compensation for any services rendered as trustee, unless compensation is stipulated in the terms of the bequest or gift establishing said library [Laws, 1933, p 66, ch 60]

Sec 58 Defunct libraries. When a public library in any town shall, as such, cease to function, all books or other property given by the state for the use of said library or purchased with state funds shall be returned to the state by the selectmen of said town, delivery to be made to the public library commission, who shall have the power to retain, sell, distribute, or otherwise dispose of such returned books or property as in its judgment seems wise [N H Laws, 1927, p 101]

Sec 59. Towns exempt Whenever there shall be available in any town for the purpose of maintaining a free public library an annual income which alone or with the town appropriation shall equal the amount required to be raised by that town annually, the town shall be exempt from the provisions of Section 51 [Laws, 1933, p 68, ch 60]

Sec 60 Custody of publications. Any town clerk, board of selectmen or others having custody of the books, pamphlets and public documents that have been sent to the towns by the departments of state government may, with consent of the librarian, transfer these publications to the public library in such towns as have free public libraries, upon condition that they be included in the catalogues of the library and be made accessible to the public [1913, 48:1]

Sec 61 Penalties. Any town or library official violating any of the

provisions of sections 51 to 58 inclusive shall be fined not more than five hundred dollars. [1917, 59:1.]

Ch. 42, sec. 4. **Appropriations.** Towns may at any legal meeting grant and vote such sums of money as they shall judge necessary for the following purposes:

XIV. **Libraries.** To establish and maintain public libraries and reading rooms, or to assist in the maintenance of any library or reading room that is kept open for the free use of all the inhabitants of the town [1925, 11:1.]

Ch. 47, Sec. 5. **Reports to library commission.** He [town clerk] shall, within thirty days after the annual town meeting, report to the secretary of the public library commission the name of any public library within the city or town, the names and post-office addresses of all the officers of each; the town, person or persons in whom the ownership of said library is vested; for whom the use is provided, and the number of volumes owned by said library. He shall make like report of the names of officers elected or appointed at any other time, immediately after their election or appointment; and, if there is no public library within the town, he shall annually, within said time, notify the secretary of the public library commission of the fact [L.1933, ch 69]

Sec. 7. **Library defined.** For the purposes of this chapter, every library regularly open to the public, or to some portion of the public, with or without limitations, shall be considered a public library, whether its ownership is vested in the town, in a corporation, in an organized association or in individuals [1893, 31.3.]

E. JOINT PUBLIC LIBRARY DISTRICTS

(New Hampshire Laws, 1933, p 88, 89, ch 10-A, s 1-7)

Sec 1 **Authority.** Two or more neighboring towns may by majority vote in each town unite for the purpose of establishing or maintaining a free public library for the use of all the inhabitants of said towns, said library to be situated in one of the towns so united.

Sec. 2. **Corporations.** Library Districts formed as provided in the preceding section shall be corporations with power to sue and be sued, to hold and dispose of real and personal property for the use of the library therein and to make necessary contracts in relation thereto.

Sec. 3 **Appropriations.** Each town forming the library district shall raise and appropriate for the establishment and support of said union library annually and such towns shall be subject to all duties and entitled to all benefits prescribed by the laws relating to free libraries, except such as are inconsistent with the provisions of this act.

Sec 4. **Trustees.** The library trustees, as provided by law, of each of the towns forming the library district shall constitute the trustees of the

library district and shall have entire custody and management of the union library and the property thereof.

Sec. 5. Dissolution of district. Any library district organized under the provisions hereof may, by majority vote of the qualified voters present and voting at a legal meeting of either of the towns which comprise said district, dissolve its corporate existence

Sec. 6. Adjustments. If a district is so dissolved an equitable apportionment of its assets and liabilities between the towns shall be made by the selectmen of the respective towns, acting as a joint board, within ninety (90) days after the dissolution.

Sec. 7. Petition to court. If such joint board fail to make an apportionment within the time limited therefor the selectmen of either of the towns which comprise said district may petition the superior court for an order of apportionment. The superior court shall have power to make such final and interlocutory orders, judgments and decrees for the winding up of the affairs of the library district, the payment of its debts and the distribution of its assets as justice may require

F. PROTECTION OF LIBRARY PROPERTY

(New Hampshire Pub Laws, 1926, v 2, p 1481, ch 380, s 34)

Ch. 380, sec 34. Offences against libraries. If any person shall wilfully or maliciously write upon, injure, deface, tear or destroy any book, map, chart, plate, picture, engraving or statue belonging to any law, school, college, town or public library, or wilfully detains a book, magazine or other property of such a library for more than thirty days after notice in writing to return the same, or wilfully disturbs persons assembled in a public or incorporated library or reading room, he shall be fined not more than fifty dollars, or imprisoned not more than thirty days [19]9, 33 1]

NEW JERSEY

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A. STATE LIBRARY

(New Jersey Rev Stats, 1937, v2, Title 52, p 19-20, 56-57, s 52 14-20 to 52 14-25 3, 52 26-1 to 52 26-18)

Sec 52 26-1 Board of commissioners of state library; library rules; collection of fines. The state library shall be governed by a board of commissioners consisting of the governor, chancellor, chief justice, secretary of state, attorney general, treasurer and comptroller, who, or a majority of whom, shall from time to time prescribe such rules for the regulation of the library as they may deem proper. A copy of such rules shall at all times be set up in a conspicuous place in the library for inspection.

All fines and forfeitures accruing by virtue of such rules shall be recoverable in an action at law to be brought by the treasurer, in the name of the state of New Jersey, for the use of the state library, and before any court of competent jurisdiction.

In such trials the librarian shall be competent witness and his entries shall be prima facie evidence of the delivery of books and the date of such delivery.

Sec 52 26-2 Sale or exchange of duplicate volumes and documents. The commissioner, or a majority of them, may sell or exchange any duplicate volumes or documents now or hereafter the property of the state library and sell or otherwise dispose of all books which, in their judgment, shall be excluded therefrom. All moneys to be secured from such sales shall be paid into the treasury for the benefit of the state library.

Sec 52:26-3. Improvement and increase of state library. The commissioners shall direct the expenditure of such sums, not exceeding the appropriation therefor, to be drawn from the state treasury, as may in their

discretion seem proper for the upkeep, improvement and increase of the state library.

Sec. 52:26-3.1. Time of keeping library open; persons entitled to use library. The state library shall be kept open at all times during the session of the legislature and the courts of this state and of the United States, which sit at Trenton (Sundays and legal holidays excepted), in each day, from nine o'clock in the morning until six o'clock in the evening, and shall be for the use of the members of the legislature, the secretary and clerks of the respective houses, the officers of the executive department of the state government, judges of the district and circuit courts of the United States, district attorneys, chancellor, judges of the supreme court and of the court of errors and appeals of this state, adjutant and quartermaster generals, attorneys of the supreme court, and all other persons who have been or may be at any time entitled by law to the use of books from said library when any of them shall be at the seat of the government.

Sec. 52:26-4 Librarian; appointment; removal; vacancy. The commissioners, or a majority of them, shall appoint, at the expiration of the term of the present incumbent and every fifth year thereafter, a librarian, who shall hold office for five years unless removed by a unanimous vote of the commissioners. Any vacancy that may occur in said office shall be supplied by a new appointment for the unexpired term of the former incumbent.

Sec. 52:26-5 Bond and oath of librarian The state librarian shall before he enters upon the duties of his office enter into bond to the state with sufficient surety in the penal sum of one thousand dollars, to be approved by one of the justices of the supreme court and conditioned for the faithful performance of the duties of his office and for the delivery of his successor in office at the expiration of his term of all the books, pamphlets, records and papers remaining in said library or appertaining thereto. He shall also take an oath before a justice of the supreme court that he will faithfully perform all the duties of state librarian according to law. The bond and affidavit shall be filed in the office of the secretary of state.

Sec. 52:26-6. Salary of librarian. The state librarian shall receive a salary of three thousand dollars per annum, payable in semimonthly installments out of the treasury of this state.

Sec. 52:26-7. Assistants and clerks. The state librarian may, with the approval of the governor, employ such assistants as may be necessary but the cost thereof shall not exceed the annual appropriation for such purpose.

The state librarian may expend for clerical services such amounts, not exceeding the annual appropriation therefor, as may be necessary in the discharge of his office.

Sec. 52:26-8 Certain duties of librarian enumerated. The state librarian, in addition to the other duties imposed upon him by law, shall:

- (a) Arrange the books in the library in proper order and, as far as possible, preserve them from injury;
- (b) Keep an accurate, alphabetically arranged catalogue of the books belonging to the library;
- (c) Keep proper books, in which he shall make entries of all books taken out of the library, designating the names of the persons taking the same and the return thereof,
- (d) Submit annually to the legislature a complete report of the condition of the library; and
- (e) Keep an account of the expenditure of moneys appropriated for the improvement of the library

Sec 52.26-9. Distribution of reports, statutes, etc., to other states. The state librarian shall annually receive from the custodian of the state house fifty bound copies of all judicial reports, pamphlet laws, compilations, digests and similar publications, published by or under the authority of this state or the legislature thereof, or of which the state has become a purchaser. Such copies shall be used for exchange with the libraries, or other proper authority empowered to effect such exchange, of each state and territory of the United States

Sec 52.26-10 Laws, judicial reports and journals to be placed in library. The state librarian shall annually receive from the custodian of the state house and deposit in the library twenty bound copies of all judicial reports, twenty bound copies of the laws and joint resolutions passed at each session of the legislature, and twenty bound copies of each of the journals of the senate and the general assembly, and twenty bound copies of the legislative documents

Sec 52.26-11 Data available to members of the legislature; expenses. The state librarian shall collect and keep up to date and readily accessible to the legislature, and to other persons within proper regulations, such materials as will furnish the fullest information practicable pertaining to current or proposed legislation or any legislative or administrative problems, and he shall prepare and submit digest of such informative materials upon the request of any member or committee of the legislature. The state librarian may, by and with the approval of the governor, incur the necessary expense for carrying into effect the provision of this section, but the annual cost thereof shall not exceed the sum of one thousand dollars.

Sec 52.26-12 Examination of library by joint committee of legislature. A joint committee of the legislature shall be annually appointed which shall examine into the condition of the library, order necessary repairs, recommend additions and improvements thereto by exchange, purchase or otherwise and make report to the legislature, which report shall include the manner in which money appropriated for improvement and maintenance of the library has been expended.

Sec 52:26-13 Librarian to prepare history; copies for distribution. The state librarian shall prepare, edit and publish in fitting form from data collected and compiled in accordance with law by the adjutant general of this state, a complete history of the services and other activities of the men of New Jersey who were engaged in the military and naval service of the United States in the war with the Imperial German government.

Such history shall be entitled "Participation of New Jersey in the World War" and shall be placed in the state library as a memorial to those who so nobly fulfilled the sacred obligations which fell to their generation

When such history is completed, the state librarian shall cause such copies thereof to be printed for appropriate distribution as shall appear necessary to the state librarian and state purchasing department.

Sec 52 26-14 Appointment of commission; duties. The governor may appoint a commission of five members who shall hold office for a term of two years and until their successors have been appointed and have qualified. In like manner at the expiration of their terms the governor shall appoint their successors Such commissioners shall serve without salary

Such commission shall assist in the preparation of such history by collecting and compiling material of interest relating to New Jersey's participation in such war which is not a part of the actual records of the men of the army and navy and of their participation

Material so collected shall be turned over by such commission to the state librarian for preservation as a part of the official war records of New Jersey and for use in the preparation of said history

Sec 52.26-15 Assistance of adjutant general. The adjutant general of the state shall cause a copy of the names and records of men in the military and naval service, as collected and compiled under his direction, to be filed with the state librarian for use in preparing such history

He shall also make available to the state librarian such other data collected and compiled in accordance with law by him as may aid the librarian in preparing such history.

Sec. 52.26-16 Salary of librarian for preparing history. The state librarian, for services performed in preparing such history, shall receive a salary of two thousand dollars per annum, in addition to the salary he receives for performing the duties of the state librarian Such salary shall be payable semimonthly out of the treasury of this state.

Sec 52:26-17. Employment of clerical help. The state librarian may employ such additional clerical help as shall be needed in carrying out the provisions of this article.

Sec 52:26-18 Appropriations. Such appropriations shall be made from time to time as may be necessary to carry out the provisions of this article.

Sec 52:14-20 Editing and printing of official reports; duties of state librarian; approval of governor. The state librarian, subject to the approval

of the governor, shall critically examine, edit and prepare appropriate indexes of all official reports presented by any official, institution, board, commission or department of the state, and determine what parts, if any, and the number of copies of such reports which shall be printed. No official report shall be printed unless so examined and edited by the state librarian and approved by the governor.

This section shall not apply to any report of any legislative committee or commission [Sources, L 1931, p 304, c 162, s 1,2]

Sec 52-14-21 Official reports; style of printing. All such official reports as are approved for printing in accordance with the provisions of section 52-14-20 of this title shall be printed in the same compact style as the annual report of the state geologist for the year one thousand eight hundred and ninety three [Sources, L 1895, p 825, c 433, s 5, (C.S. p.4205, s 5).]

Sec. 52-14-22 Time of completion of printing annual reports. The printing of all annual reports shall be entirely completed in time to be laid before the legislature at its meeting in the January following the submission of such reports [Sources, L 1895, p 825, c 433, s 3, (C S. p 4205, s 3)]

Sec 52-14-23 Filing of reports. All official reports required to be filed and not specified to be filed elsewhere shall be filed with the Secretary of State [Source, L 1931, p 304, c 163, s 3]

Sec 52-14-24 Binding and distribution of official reports. The custodian of the state house shall, under the direction and control of the state house commission, cause to be bound in plain and substantial binding so many of the printed copies of various official reports and legislative documents as the state house commission shall direct, which bound copies shall be distributed by the custodian as follows

- (a) To the librarian of the congressional library at Washington, four copies.
- (b) To the librarians of the theological seminaries at Princeton and New Brunswick, each one copy.
- (c) To the state librarian, twenty copies.
- (d) The remainder shall be distributed as the state house commission shall direct.

Sec 52-14-25 Distribution to public libraries and historical societies. There shall be distributed at the expense of the state, to each of the free public libraries and to each of the incorporated historical societies in the counties of the state, one copy of every report, testimony, pamphlet or other publication printed or published by or under the direction of the state, or any officer thereof and also one copy of any publication purchased by or under the direction of the state for distribution

Sec. 52-14-25 1. Annual or special reports; copies filed in state library. All state officers, departments and commissions or committees issuing an-

nual or special reports required by law to be submitted to the governor or to the legislature of this state, where such reports are printed, shall file with the New Jersey state library for general reference use in said library at least six copies of each of such printed reports, and in those cases where such reports are made in mimeographed or typewritten form and not subsequently printed shall file in the state library for general reference use at least one each of such mimeographed or typewritten reports.

Sec. 52:14-25.2 Publications other than annual or special reports; copies filed in state library. State officers, departments, commissions or committees issuing from time to time serial or other publications of general informational character other than annual or specific reports, where such publications are printed for public distribution, shall file in the state library for permanent reference use at least six copies of each of such publications, and in those cases where such serials or other publications are not printed but are issued in mimeographed or typewritten form, shall file in the state library for general reference use at least one each of such mimeographed or typewritten publications.

Sec 52 14-25 3 Court decisions, pamphlet laws, etc., excepted. The requirements of sections 52:14-25.2 of this title are not intended to apply to the decisions of the courts, to the pamphlet laws of the state or to the proceedings of this legislature or to other publications, the distribution of which in printed form is otherwise provided for by law. Nor are the requirements of said sections intended to apply to official opinions of the attorney general or to reports made as a part of the routine proceedings or official actions of any state officer, department, board or commission.

B. PUBLIC LIBRARY COMMISSION

(New Jersey Rev Stats, 1937, v 2, Title 52, p 58, s 52 26-19 to 52 26-26)

Sec. 52:26-19 Public library commission; membership and appointments. The public library commission shall consist of seven members. The commissioner of education and the state librarian shall be ex-officio members of the commission. The remaining five members shall be appointed by the governor by and with the consent of the senate. One such member shall be so appointed annually for a term of five years, within thirty days after the assembling of the legislature, to succeed the commissioner whose term shall expire.

All vacancies on said commission, other than by expiration of term, shall be filled by the governor, for the unexpired term, within thirty days after notice thereof shall have been given him in writing, and if such appointment be made during the session of the legislature, it shall be made with the advice and consent of the senate.

Sec 52:26-20. Public library commission; compensation; expenses; appropriation; annual report to legislature. No member of the commission shall receive any compensation, but the commission, for its necessary travel-

ing and other incidental expenses, and for clerical assistance in the discharge of its duties, may expend such sum as may annually be appropriated for such purposes. All sums expended under the provisions of this article shall be paid from the state treasury after the bills therefore have been approved by the commission and sent to the state comptroller who shall audit and certify the same to the state treasurer

The commission shall not incur any debt or make any donation or expenditure exceeding in aggregate the appropriations made for its use from time to time by the legislature

The commission shall make a report of its work to the legislature in January of each year.

Sec 52:26-21. Donations to libraries by commission. The commission is hereby authorized to donate to any free public library under municipal control in this state, not having upwards of five thousand books, upon the application of its board of trustees, a sum not to exceed one hundred dollars, for books for such library, but the board of trustees of such free public library shall first satisfy said commission that they have set apart from the funds of such free public library an equal sum to be expended for the purchase of books for such library

Sec 52:26-22 Advice to librarians or trustees of libraries by commission. The librarian or trustees of any free public library in this state, or any person desirous of organizing a free public library may ask the commission for advice as to the selection of books, the cataloguing thereof, and any other matters pertaining to the establishment, maintenance or administration of such library, and the commission shall give such advice as to such matters as it shall find practicable

Sec. 52:26-23. Traveling libraries; establishment; management; cost. The management, operation, direction and control of all state traveling libraries shall be vested in the public library commission. Such libraries shall be styled "traveling libraries"

Such additional traveling libraries as may be found advantageous for use in the state may be provided under rules and regulations promulgated by said commission

The cost of all such libraries shall not exceed the amount annually appropriated by the legislature for such purpose

Sec. 52:26-24. Locations. Traveling libraries shall be used and operated at such points as the commission may direct, but it shall not be authorized to expend moneys for the rental of any place in any municipality in this state from which distribution shall be made from said traveling libraries.

Sec. 52:26-25. Books, bookcases, repairs, etc. The nature and character of the books to be purchased shall be determined and controlled by the commission or a majority thereof, and the purchase of all books to be

used in connection with traveling libraries shall be made as the commission may direct. The commission shall have authority to purchase from any appropriation that shall be made such small bookcases and outer traveling cases as experience and the successful and useful operation of such system of traveling libraries may require. It shall have authority, from any appropriation which may from time to time be made, to repair and keep such cases in good order, purchase new cases when necessary, keep the books in said traveling libraries in good condition by rebinding or by repurchase or substitution of books or otherwise and provide all necessary printing and cataloguing for the same.

Sec 52-26-26 **Traveling libraries for penal and correctional institutions.** Traveling libraries may be furnished to the several penal and correctional institutions of this state, but books so furnished shall not thereafter be forwarded to any municipality of this state and shall be used exclusively in such institutions.

C. DISTRIBUTION OF PUBLIC DOCUMENTS

(New Jersey Rev Stats, 1937, Title 1, p 8-9, s 1 3-7 to 1 3-9, 1 4-5, *Ibid* Title 2, p 55, s 2 19-5)

Sec 1:3-7 **Binding and distribution of paper volumes of laws; distribution of unbound paper volumes.** The custodian of the state house shall, under the direction and control of the state house commission, cause to be bound in plain and substantial binding so many of the paper volumes of the laws as the state house commission shall direct. Upon receipt of such bound volumes, the custodian of the state house shall distribute them in the same manner as the law and equity reports are required by law to be distributed. The remaining number of the paper volumes of the laws delivered by the printer to the custodian pursuant to the provisions of section 1:3-5 of this title shall be distributed by the custodian as follows:

* * * * *

- (b) Nine volumes to the secretary of state (to be distributed by him, one copy each, to the library of Princeton university, the libraries of the two literary societies in Princeton university, the library of Rutgers university, the libraries of the two literary societies in Rutgers university, the library of Burlington college and the libraries of the two literary societies in Burlington college); * * *

Sec 1:3-8 **Distribution of unbound paper volumes of laws by county treasurers and township clerks.** The treasurer of each county, upon receiving the number of paper volumes allotted to his county pursuant to the provisions of section 1:3-7 of this title, shall, after retaining one copy for himself, forthwith distribute the remaining volumes at the expense of the county as follows * * *

- (c) To each incorporated library company in the county which does not receive a bound copy of the laws under the provisions of said section 1:3-7, one copy; * * *.

Sec. 1:3-9. Distribution of federal laws by custodian of the state house and county treasurers and township clerks. So many of the laws of the United States as may at any time be apportioned to his state by the congress of the United States shall be delivered to the custodian of the state house, who shall, after retaining one set for his own use, distribute the remainder at the expense of the state as follows: * * *.

(g) To the librarians of Princeton college and of the two literary societies in that college, to the librarians of Rutgers college and of the two literary societies at that college, and to the librarians of Burlington college and of the two literary societies of that college, each one set

(h) To the librarian of the New Jersey Historical Society, one set.

Sec 1.4-5 Binding and distribution of complete journals and minutes. Upon receipt of the printed copies of the senate journal and assembly minutes, together with the indexes thereto, pursuant to the provisions of section 1 4-4 of this title, the custodian of the state house, under the direction and control of the state house commission, shall cause to be bound in plain and substantial binding so many of such copies as the state house commission shall determine, which bound copies shall be distributed by the custodian as follows * * *

(b) To the librarian of the congressional library at Washington, four copies

(c) To the secretary of state nine copies (to be distributed by him, one copy each, to the library of Princeton university, the libraries of the two literary societies in Princeton university, the library of Rutgers university, the libraries of the two literary societies in Rutgers university, the library of Burlington college and the libraries of the two literary societies in Burlington college.)

(d) To the librarians of the theological seminaries at Princeton and New Brunswick, each one copy.

(e) To the state librarian, twenty copies

Sec 2 19-5 Distribution of reports. Upon receipt of the law and equity reports bound in volumes in accordance with the provisions of sections 2 19-1 to 2 19-4 of this title the custodian of the state house, after retaining one copy of each of such reports for his office, shall, under the direction of the state house commission, cause the remaining copies of each of such reports to be distributed as follows

* * * * *

(f) To the state librarian, seventy copies, twenty of which shall be deposited in the state library, and fifty of which shall be used by the state librarian in sending one copy to the library of each state and territory of the United States, the same to be in exchange for the reports of such states and territories sent to the New Jersey state library;

- (g) To the department of state of the United States for the congressional library, four copies ;

* * * * *

- (n) To the library of the New Jersey Historical Society, for the use of the society, one copy and to the Burlington library and the Newark Library Association, each one copy, for the use of the respective libraries ,

- (o) To each incorporated library association in this state which has a law library at the county seat of the county in which it is located, one copy ,

- (p) To every library provided by the board of chosen freeholders of any county at the courthouse in such county, one copy ;

- (q) To the library of every county bar association in this state, * * *

The remainder shall be reserved subject to the order of the state house commission [L.1927, c.140, s 1, p 270]

D. COUNTY LIBRARIES

(New Jersey Rev Stats, 1937, v 2, Title 40, p 106-107, s 40 33-1 to 40 33-13)

Sec 40:33-1. County library; establishment. The board of chosen freeholders of every county shall, in the manner hereinafter in this article provided, establish a free public library to be known as "the free county library." This library shall be established for such subdivisions of the county as do not maintain and control free public libraries, pursuant to the provisions of chapter 54 of this title [40 54-1 et seq]

Sec 40:33-2. Referendum. No such library shall be established until assented to by the legal voters of the county at any election at which the question of the establishment thereof shall be submitted. In counties which have heretofore adopted the provisions of an act entitled "An act to provide for the establishment and maintenance of county free libraries," approved April seventh, one thousand nine hundred and twenty, the referendum election provided for herein need not be held and the provisions of this article shall apply to such counties

Sec 40:33-3 Petition for submission. At the request in writing of not less than three hundred qualified voters of the county, the board of chosen free holders shall submit, at any general or special election, the question of the establishment of such library to the voters of the county for adoption or rejection.

Sec 40:33-4 Ballot; form and content. The board of chosen freeholders shall cause the question to be printed upon the ballots to be used at such election, in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (X) or plus (+) in the square at the left of the word NO

"Shall the provisions of article L of chapter 33 of the title Municipalities and Counties of the Revised Statutes (par.40:33-1 et seq.), providing for the establishment and maintenance of county free libraries, be adopted?"

Sec. 40:33-5. Results canvassed and returned; vote required for adoption. The result of the election shall be returned and canvassed in the same manner and at the same time as other elections. If a majority of the votes cast on the question shall be in favor thereof the provisions of this article shall take effect in the county

Sec 40.33-6. Arrangements for library. Upon the adoption of the provisions of this article the board of chosen freeholders may contract with an existing library, or library board, within the county for the establishment and maintenance of the county free library in accordance with the provisions of this article and subject to the rules and regulations of the board of chosen freeholders.

Sec. 40.33-7. Library commission; membership and term; no compensation. Should the board of chosen freeholders not enter into the contract provided for in section 40:33-6 of this title, it shall within sixty days after this article becomes operative, appoint a commission to be known as "the county library commission" The commission shall consist of five members. On the first commission one member shall be appointed for one year; one for two years, one for three years, one for four years and one for five years and thereafter all appointments shall be for terms of five years The county library commission shall serve without compensation

Sec 40 33-8 Organization; rules, expenditures and reports. The county library commission shall organize by the election of a chairman and shall adopt rules and regulations for the establishment and maintenance of the county library It may purchase such supplies and equipment and incur such expenses as it may deem necessary to carry out the provisions of this article, but shall not incur expenses or make purchases in any fiscal year in excess of the appropriation for county library purposes for that year. It shall make an annual report to the county board of freeholders.

Sec. 40:33-9. Appropriations for establishment and maintenance; amount. There shall be annually assessed, levied and collected in the same manner as other county taxes, by the board of chosen freeholders from the municipalities of counties receiving the benefits of this article, a sum sufficient for the establishment and thereafter for the maintenance of the library. The sum so raised shall be not less than one-fifth of a mill on all the real and personal property of the municipalities receiving the benefits of this article

Sec. 40:33-10 Borrowing money in anticipation of library taxes; tax notes. The board of chosen freeholders may borrow money, in anticipation of the receipt of taxes levied for county library purposes, not in excess of

the amount levied on any year for such purposes, and may issue notes therefor. Notes issued for this purpose shall be termed "county library tax anticipation notes" and shall be issued as other notes of the county are issued in anticipation of county taxes. The notes shall be paid on or before December thirty-first of the year in which and for which they are issued. They shall bear interest at a rate of not more than six per cent per annum and the interest and principal thereof shall be paid from the funds of the county library.

Sec 40 33-11 Tax revenue notes or bonds for delinquent taxes. The board of chosen freeholders may issue tax revenue notes or tax revenue bonds for the county library tax which has become delinquent for the amount of such delinquent tax. Loans of this class shall be evidenced by the issue of "tax revenue notes" or "tax revenue bonds," and when issued shall be governed by the conditions set forth in sections 40:2-48 to 40:2-51 of this title, governing "tax revenue notes" or "tax revenue bonds."

Sec. 40 33-12 County treasurer custodian of library funds; payment of bill. The county treasurer shall be the custodian of the county library tax collected, and upon receipt of bills properly authorized by the commission, payment thereof shall be made if sufficient funds are on hand.

Sec 40 33-13 Participation by municipalities. When any municipality, maintaining a public library and situate in a county which has adopted a county library system under the provisions of this article, desires to participate in the benefits of this article, it may apply to the county library commission of such county to be included in the county library system, and shall thereupon be subject to all the provisions of this article governing county libraries.

E. MUNICIPAL LIBRARIES

(New Jersey Rev. Stats., 1937, v.2, Title 40, p.208-212, 518, 519, s.40 54-1 to 40 54-34, s.40 171-188 1, 40 171-188 2, Laws 1941, s.40 54-35)

Sec 40.54-1 Establishment; chapter applicable to libraries established under other laws. Any municipality may, in the manner hereinafter provided, establish a free public library within its corporate limits.

Every library established under this chapter, and every free public library established pursuant to any general law shall be governed by the provisions of this chapter.

Sec 40:54-2 Referendum. No such library shall be established in any municipality unless assented to by a majority of the legal voters of the municipality, at an election, general or special, at which the question of the adoption of this article shall be submitted to vote by direction of the governing body.

40:54-3 Referendum; notice. The municipal clerk shall cause public notice of such general or special election to be given by advertisement, signed by himself and set up in at least five public places in the muni-

cipality for at least ten days previous to the date of such election and published for the same period in two newspapers printed or circulating therein.

Sec. 40.54-4. Ballot; form and content. The officer charged with the duty of preparing the ballots for such election shall cause the question to be submitted to be printed on the official ballots for such election in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (X) or plus (+) in the square at the left of the word NO

"Shall a free public library be established
(YES) in (name of municipality)
pursuant to sections 40:54-1 to 40:54-29 of the
(NO) title Municipalities and Counties of the Revised Statutes?"

Sec 40.54-5 Election returns. The election officers of the municipality shall make a true and correct return of the result of such election in writing, under their hands, and said statement shall be entered at large upon the minutes of the governing body

Sec 40 54-6 Vote required for adoption. If a majority of the votes so counted shall be in favor of a free public library, the provisions of this article shall be deemed to have been adopted

Sec 40 54-7 Rejection of proposition; second election. Where any municipality shall vote against the establishment of a free public library such vote shall not preclude the holding of another election, general or special, to vote for or against the adoption of the provisions of this article

Sec 40 54-8 Tax levy; additional levy. The governing body or appropriate board of every municipality governed by this article, shall annually appropriate and raise by taxation a sum equal to one-third of a mill on every dollar of assessable property within such municipality

An additional sum not exceeding two-thirds of a mill on every dollar of assessable property may be appropriated and raised by taxation, annually

Sec 40 54-9 Trustees; number, appointment and term. Immediately upon the establishment by any municipality of a free public library under this article, a board of trustees shall be formed to consist of seven members, one of whom shall be the mayor or other chief executive officer of the municipality, one of the local superintendents of schools or the supervising principal, as the case may be, or in the event that there be neither of such officials, the principal with power of supervision over the local school system, or in case such municipality shall have none of the school officials hereinbefore mentioned, then the president of the board of education, and five citizens to be appointed by the mayor or chief executive, at least four of whom shall be residents of the municipality. The appointments shall be for terms of one, two, three, four and five years respectively, as they may

be selected by the mayor or other chief executive officer, and, except in cities shall be made with the consent of the governing body.

Sec. 40:54-10. Vacancies; how filled. Upon the expiration of the term of office of any trustee the mayor or other chief executive officer of the municipality shall appoint a citizen for a term of five years in the same manner as the original appointment was made. Vacancies occurring in the board of trustees shall be filled for the unexpired term only, in the same manner as the original appointments are made.

Sec 40:54-11. Trustees; corporate name; organization; officers certificate; recording and filing. The board of trustees shall be a body corporate under the name of "the trustees of the free public library of (Name of Municipality)."

It shall have corporate powers of succession, may sue and be sued, and adopt a corporate seal. It shall meet at a convenient time and place in the municipality within ten days after its appointment, and shall immediately proceed to organize by the election from its members of a president, treasurer, and secretary, who shall hold their offices for one year and until their successors are elected.

The members shall make and execute under their hands and seals a certificate setting forth their appointment and their organization and the names of the officers elected, such certificate to be acknowledged in the same manner as is required of conveyances of real estate, and recorded in the clerk's office of the county in which the municipality is located. They shall also send a certified copy of the certificate to the office of the secretary of state, at Trenton, to be there filed of record, but shall not be required to pay any fees for such recording and filing. The certificate, or copy thereof duly certified by the secretary of state or by the county clerk, shall be evidence in all courts and places of the incorporation of the board.

Sec 40:54-12. Trustees; powers; employees. The board shall hold in trust and manage all property of the library. It may rent rooms, or, when proper, construct buildings for the use of the library, purchase books, pamphlets, documents, papers and other reading matter, hire librarians and other necessary and proper servants, and fix their compensation, make proper rules and regulations for the government of the library, and generally do all things necessary and proper for the establishment and maintenance of the free public library in the municipality.

Sec. 40:54-13. Trustees; treasurer; bond and duties. The treasurer of the board shall give bond in an amount to be fixed by the mayor in cities and by the governing body in municipalities other than cities, payable to the municipality by its corporate name, conditioned for the faithful performance and discharge of his duties. The board shall, by its treasurer, upon its warrant signed by its president, receive from the disbursing officer of the municipality the money raised therein for library purposes, as provided in section 40:54-8 of this title.

Sec. 40:54-14. Trustees; compensation; limitation on amount of indebtedness. The trustees shall receive no compensation for their services, and shall not incur any expense or enter into any obligations to an amount in excess of the annual appropriation for library purposes and of the funds on hand.

Sec. 40:54-15. Trustees; annual report. The board of trustees shall annually make a report of its transactions, accounts, and the state and condition of the library to the governing body of the municipality.

Sec. 40:54-16. Appropriation for furnishing. Any municipality that shall establish a library under the provisions of this article, or that has heretofore established a free public library pursuant to law, and has purchased or shall purchase lands, and has erected or shall erect buildings thereon, or both, for the purposes of a free public library, and has made or shall make appropriations therefor under this article, may make additional appropriations therefor under this article, may make additional appropriation for the equipment, furnishing and decorating of the library building in manner following.

The board of trustees shall certify to the board or body having charge and control of the finances of the municipality the amount necessary for the equipment, furnishing and decorating of the library building, and thereupon such board or body may by resolution, at its discretion and with the approval of the mayor or other chief executive officer of the municipality, make appropriation of such money and authorize and empower the board of trustees of the free public library to expend such sum of money. Upon the passage of such resolution the board of trustees may enter into contracts for such equipment, furnishing and decorating, and expend money therefor to the amount of the appropriation.

Sec. 40:54-17. Fines appropriated for library purposes; deemed additional. The governing body of any municipality may reappropriate to the board of trustees of the free public library thereof, all moneys received for library fines. The moneys so reappropriated shall be used by the board or body having charge of the free public library of the municipality for library purposes, and shall be in addition to moneys appropriated by the municipality for library purposes.

Sec. 40:54-18. Use of money paid by library to municipal treasury. The governing body of any municipality may appropriate in the annual budget for the use of the free public library of such municipality a sum equal to the amount of the money paid into the general treasury by the free public library in the preceding fiscal year. The sum so appropriated shall be available for expenditure by the board of trustees of the free public library of the municipality for library purposes, shall be in addition to sums otherwise appropriated by law for library purposes and shall be controlled by the same laws as other budget appropriations.

Sec. 40:54-19. Devises and bequests to trustees. The board of trustees may receive, hold and manage any devise, bequest or donation heretofore

made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within the municipality

Sec 40:54-20 Gifts of works of art; acceptance and maintenance. Any free public library may accept gifts and bequests of paintings, statuary ceramics and other art objects, and may care for and maintain them in accordance with the provisions of such gift or bequest

Sec 40:54-21 Acceptance of conditional gifts generally. In any municipality in which there shall have been established a free public library pursuant to law, the governing body may, by resolution, accept gifts or bequests for the purpose of building a library building therein which may be made on condition that a sum not exceeding ten per cent of the amount of such gift or bequest be annually appropriated for the maintenance and support of such library, or which may be made on the above condition and on the further condition that the municipality to which such gift is made shall also provide a suitable site for the building. When any such conditional gift is accepted by any municipality such amount as may be required by the condition of the gift for the support and use of the library may be raised annually by taxation

Sec. 40 54-22 Custodian of gifts; expenditure. Any gift or bequest, when accepted by the governing body of the municipality, shall be received by the treasurer or other corresponding officer of the municipality and expended by and under the direction of the board of trustees of the free public library for the purposes for which the gift or bequest was made, in the same manner as other funds are expended by such board

Sec 40 54-23 Municipalities may furnish site where buildings are offered: amount. When any person has offered or hereafter may offer to the board of trustees of the free public library of any municipality which shall hereafter establish a library under the provisions of this article or has heretofore established a free public library pursuant to law, or has offered or hereafter may offer to the council or other governing body of any such municipality, to provide or erect a building to be used as a free public library upon condition that the municipality, or the trustees of the free public library therein, or the council or governing body thereof, provide a site for the building, the council or other governing body of the municipality, by resolution adopted by the votes of a majority of all the members thereof, may appropriate for the purpose of purchasing a suitable site upon which to erect such library building, a sum of money not exceeding three mills in all municipalities except cities, and in cities a sum not exceeding three-fourths of one mill, on every dollar of assessable property according to the last preceding levy of the purposes of annual taxation therein

Sec 40:54-24. Purchase of site; title. At any time after the acceptance of any such last-mentioned gift the trustees of the free public library in any such municipality may purchase, at a cost not exceeding the amount appropriated therefor, a suitable site for the erection of a library building.

The title of the real estate so purchased shall be taken in the name of the municipality. The use and control of the same shall be in the board of trustees of the free public library therein so long as it shall be used for free public library purposes.

Sec 40:54-25. Lands and buildings; purchase and alteration; financing; title. When, in the judgment of the board of trustees of the free public library in any municipality that shall establish a library under the provisions of this article or has heretofore established a free public library pursuant to law, it is advisable to purchase lands or erect buildings thereon, or both, or to enlarge or alter any building already erected thereon, for the purpose of a free public library, the board may certify to the board or body having charge of the finances of such municipality the amount of money in addition to such moneys as it may have on hand applicable to such purposes, necessary for the purpose of making such purchase of land, the erection of buildings or other improvements thereof, and shall also certify therewith the total amount of moneys and funds available for the purchase of lands or erection of buildings, and an estimated account of the amount necessary for the maintenance of the library for the balance of the then current year.

Thereupon the board, or body having charge of the finances of the municipality may by resolution, at its discretion and with the approval of the mayor or other chief executive officer of the municipality, authorize and empower the board of trustees of the free public library to expend such sums of money, in addition to the moneys belonging to it and not needed for the expenses of maintenance for the remainder of the then fiscal year, as to such common council, or such other body or board, may seem proper for such purposes, not to exceed, however, the amount certified by the board of trustees of the free public library

Upon the passage of such resolution the board of trustees of the free public library shall be empowered and authorized with the consent of the mayor or other chief executive officer of such municipality, to purchase real estate, and to erect buildings and make improvements thereon, and to expend moneys therefor to the amount of such appropriation and surplus, but no lands shall be purchased for the purpose of erecting thereon a free public library building except with the concurrence of such common council, or such other body or board, expressed by resolution of such common council, or such other body or board with the approval of the mayor or other chief executive officer of the municipality

The title of any real estate so purchased shall be taken in the name of the municipality. The use and control of such real estate shall be in the board of trustees of the free public library so long as it shall be used for free public library purposes

Sec 40:54-26 Bond issues. Any municipality that shall hereafter establish a library under the provisions of this article or has heretofore established a free public library pursuant to law may create and issue bonds for

the acquisition of lands, the acquisition and erection and improvement of buildings and appliances for library purposes and the equipment and furnishing of library buildings. Such bonds shall be issued pursuant to the provisions of article 1 of chapter 1 of this title (s 40 1-1 et seq.) [L.1921, c.161, s 1, p 439 (1924 Suppl. s.115-78)]

Sec. 40:54-27. Redemption of bonds. There shall be raised and levied annually by taxation in the municipality issuing such bonds a sum sufficient to pay the interest thereon and to redeem the part or proportion thereof maturing in the fiscal year for which such taxes are levied [CS p 3121, s.81]

Sec. 40:54-28 Acquisition of lands by condemnation. When the board of trustees of the free public library in any municipality desire to acquire any lands, improved or unimproved, either in whole or in part, for the purpose of its building and library pursuant to the authority and power vested in it by section 40:54-25 of this title, and it cannot agree with the owner or owners of such lands, or with other persons interested therein, as to the amount of compensation to be paid therefor, proceedings shall be taken by said board to acquire such lands and ascertain the amount of compensation to be paid therefor, in the manner provided by the general laws for the condemnation and taking of lands for public use [C S. p.3119, s76.]

Sec 40:54-29 Transfer of books to library. Any public board in any municipality wherein there is a free public library, or any department of the government of the municipality having under its control a library or collection of books useful for such public library, may transfer the control or property of said books to the trustees of a free public library established under this article for use thereon. The board or department so transferring its books or library shall be relieved from further responsibility for the care or custody of or property in said books or library, and the board of trustees of the free public library shall hold and keep said books or library as if originally purchased by it [C S p 3118, s 74]

Sec. 40:54-30 Establishment; referendum. At the annual election of any borough, town, township or village not otherwise provided with a free public library the voters may, when the question is submitted by the governing body of the municipality, by a majority vote authorize the governing body thereof to unite with an adjoining borough, township or city of the second or third class in the support or maintenance of a free public library, the privileges and uses of the library to be on equal terms to the residents of both of the municipalities so uniting

Sec. 40:54-31. Tax levy When, at such election, the majority of the voters of such municipality authorize such union the governing body thereof shall levy a tax of not less than one-third of a mill upon each dollar of assessment for the support of the union library

Sec. 40:54-32. Joint trustees. The mayor or other chief executive officer

of such municipality shall be a member of the board of trustees of the union library, and the governing body thereof may designate two other voters, resident in said municipality, as joint trustees of the union library, one to hold office for two and the other for a term of three years, and these trustees shall be a part of the board of trustees of the library of the participating borough, township or city

Sec. 40:54-33. Control of joint library. The governing body of the borough, township or city receiving a proposal for union with an adjoining municipality under this article may accept such a proposal of union and authorize the admission of the trustees aforesaid to seats with the board of trustees of its public library, and jointly these trustees shall have full control and government of the library under the provisions of statutes governing the establishment of free public libraries

Sec 40:54-34 Raising funds. When, in the judgment of such joint board of trustees, it is advisable to purchase lands or to erect buildings thereon, or both, for the purposes of a free public library, said trustees shall certify the proportion of money for such purposes based upon the respective assessments of each municipality to the governing body thereof. Each such governing body shall submit to the voters at the next annual election an appropriation to cover its share of such purchase or building. If approved by the majority of the qualified voters voting thereon, said money may be raised by tax or bonds. In case bonds are issued the procedure in the issuance of such bonds shall conform to the procedure described in section 40 54-26 of this title, and the money thus raised shall be passed to the control of the joint trustees, to be expended according to the provisions of this chapter governing the purchase of lands and the erection of buildings for a free public library

Sec 40:54-35 Aid to libraries. The governing body of any municipality may appropriate and raise such sum of money, not exceeding six thousand dollars (\$6,000.00) annually, as in its judgment may be deemed necessary to aid libraries and reading rooms in serving any such municipality whether such libraries or reading rooms be located in such municipality or in an adjoining municipality, *provided*, the person or corporation owning or controlling any library and reading room receiving and accepting such aid shall keep the same open free to the use of the public at such reasonable hours as meet the approval of the governing body of such municipality. [Approved June 14, 1941]

Sec 40 171-188.1. Procedure in dismissal of municipal librarians, hearing. Any person now holding the position or office of municipal librarian or of library assistant of any city of the second class of this State and not under the supervision and control of a public library board of trustees and not under civil service, and any other person who may hereafter be appointed to the position or office of municipal librarian or of library assistant in any such city, shall not be dismissed except for inefficiency, incapacity,

conduct unbecoming a librarian or library assistant, or other just cause, after written charge of the cause or causes shall have been preferred against him or her, signed by the person or persons making the same, and filed with the governing body in charge of the library or libraries in which such service is being rendered, and after the charges shall have been examined into, and found true in fact by said governing body, upon reasonable notice to the person charged, who may be represented by counsel at the hearing, which hearing is to be fair and impartial, notwithstanding that said librarian or library assistant may have been appointed for a fixed term, provided, however, that every such municipal librarian or library assistant now employed and intended to be granted tenure by this act shall possess at least ten years' continuous service or the minimum professional qualifications respecting education and experience as has been or may be established by the New Jersey Library Association, and provided, further, that subsequent appointments to these positions in filling vacancies or in the extension of library personnel shall likewise possess the said minimum professional qualifications as to education and experience as established by the New Jersey Library Association, subject to all of the provisions and requirements of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties," Approved April tenth, one thousand nine hundred and eight, and the amendatory thereof and supplementary thereto, the said laws applying to the employees of libraries in cities of the second class in the same way as if the said cities had adopted the provisions of the civil service laws by referendum vote

Sec 40 171-188 2 **Municipal librarian defined.** The term municipal librarian as used in this act shall be construed to mean and include librarian, manager of libraries, superintendent of libraries and director of libraries of all municipalities within the above classification [N J Laws, 1936, p 233-234, ch 292]

F. SCHOOL LIBRARIES

(New Jersey Rev Stats, 1937, v 1, Title 18, p 69-70, s 18 12-4 to 18 12-9)

Sec 18 12-4 **Appropriation for establishment and maintenance.** Except as provided in section 18 12-5 of this title, the state comptroller shall draw his warrant on the state treasurer upon the order of the public library commission and in favor of the custodian of the school moneys of a school district for the sum of twenty dollars for any public school situated in the district for which there shall have been raised by special district tax, subscription, or entertainment a like sum to establish a school library, or to procure books of reference, school apparatus, or educational works of art, and the further sum of ten dollars annually upon a like order, upon condition that there shall have been raised by special district tax, subscription, or enter-

tainment a like sum for the maintenance of the library for the year.

Sec. 18:12-5. Appropriation where county library agrees to furnish books. If by agreement between the local board of education and the county library commission, the county library has agreed to furnish the school with library books and the local board of education has agreed to relinquish to the county library the money which the local board is entitled to receive from the state for school library purposes, the state comptroller shall draw his warrant upon the state treasurer on the order of the public library commission and in favor of the treasurer of the county, to be placed to the credit of the county library fund, for the sum of twenty dollars for any public school situated in the county for which the county library shall have expended a like sum to establish a school library or procure books of reference or educational works of art, and the further sum of ten dollars each year, upon like order, upon the condition that a like sum of money shall have been spent by the county library for such year for the school library.

Sec 18 12-6. Appropriations by districts. Each school district may, in the manner provided for making appropriations for the current expenses of the schools, appropriate such sums as may be necessary for the proper care and management of any library established under this article.

Sec 18 12-7. Regulation by public library commission. The public library commission shall adopt rules and regulations for the organization and management of the libraries, and for the use and safe-keeping thereof. All selections of articles mentioned in sections 18 12-5 of this title, purchased in part by state funds, shall be approved in such manner as the commission may by rule direct.

Sec 18:12-8 Consolidation of libraries of district In any school district in which there is more than one school house, or in which there is maintained a public library, the public library commission may consolidate and establish in one place the school libraries in the district

Sec 18:12-9. Expenses of public library commission. Any expense incurred by the public library commission in carrying into effect the provisions of this article shall be paid by the state treasurer on the warrant of the state comptroller, but no expense shall be incurred under the provisions of this section until an appropriation therefor shall have been made by the legislature in the annual appropriation act

G. TEACHERS' LIBRARIES

(New Jersey Rev Stats, 1937, v 1, Title 18, p 89, s 18 13-120, 18 13-121)

Sec. 18:13-120. Appropriation for establishment and maintenance. Whenever in any county there shall have been raised by subscription a sum of money not less than one hundred dollars for the establishment of a library of pedagogical books for the use of the teachers of the public schools, the state comptroller shall, upon the order of the commissioner, draw his warrant on the state treasurer in favor of the county superintendent of schools

of the county for the sum of one hundred dollars for the benefit of such library. Annually thereafter there shall be paid on a like order a sum not less than fifty dollars nor more than one hundred dollars, upon condition that there shall have been raised by subscription a like sum for the maintenance of the library for the year. [C.S p.4793, s 211.]

Sec. 18:13-121. Committee to select books and manage library. The county superintendent of schools and three teachers of public schools in the county appointed by him shall constitute a committee to select and purchase books and apparatus for the library, and to make rules and regulations for the management, use, and safe-keeping thereof (C S p 4793, s 212)

H. COUNTY LAW LIBRARIES

(New Jersey Rev Stats, 1937, v 2, Title 40, p 108, s 40 33-14)

Sec. 40:33-14 Law library; maintenance; purchase of books; annual expenditures limited. The board of chosen freeholders may maintain at the court house a law library for the use of the county courts, and for that purpose shall purchase such reports and statutes of the United States, the state of New Jersey and other states and countries and such textbooks as may be designated by the judge of the court of common pleas or, in counties where there are two or more common pleas judges, by a majority thereof The amount so expended shall not exceed the sum of two thousand dollars in any one year

I. PROTECTION OF LIBRARY PROPERTY

(New Jersey Rev Stats, 1937, v 1, Title 2, p 462-463, s 2 148-6, 2 148-7)

Sec. 2 148-6 Injuring property in museums; injuring monuments and works of art in churches, schools and public places. Any person who shall willfully or maliciously destroy or damage

- (a) Any book, manuscript, picture, print, statue, bust or vase, or any other article or thing kept for the purpose of art, science or literature, or as an object of curiosity in any museum, gallery, cabinet, library or other repository, which museum, gallery, cabinet, library or other repository is either at all times, or from time to time, open for the admission of the public, or of any considerable number of persons to view the same, either by permission of the proprietor thereof, or by the payment of money before entering the same, or
- (b) Any picture, statue, monument or other memorial to the dead, painted glass, or other ornament or work of art in any place of religious worship, or in any building belonging to any county, city or borough, or to any university or college, or in any street, square, churchyard, burial ground, public garden or ground, or any statue or monument exposed to public view, or any ornament, railing or fence surrounding any such statue or monument—

Shall be guilty of a misdemeanor [C S p 1780, s 146]

Sec. 2-148-7. Injuring library property. Any officer, clerk, agent or member of any library association, or any person whatsoever, who shall willfully cut, mark, mutilate or otherwise injure any book, volume, map, chart, magazine, newspaper, painting or engraving belonging to or deposited with any library, or shall procure such injury to be done, shall be guilty of a misdemeanor [C S p.1790, s 147]

NEW MEXICO

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A. STATE LIBRARY

(New Mexico Stats. Anno 1929, p 1607-1608, s 133-101 to 133-111, Laws of 1941, ch 138, s 1-3, amending s 133-102)

Sec. 133-101. Board of trustees. There is hereby created a board of trustees, which shall consist of the chief justice and justices of the supreme court of the state of New Mexico, who shall have the management, control and supervision of the state library [L.'15, ch.47, s 1]

Sec. 133-102. Chairman and secretary; compensation. The chief justice of the supreme court shall act as chairman of said board, and the clerk of the supreme court shall act as secretary of said board. Each of the members of said board shall receive as compensation the sum of two thousand (\$2,000 00) dollars per year, to be paid in quarterly installments as the salaries of the justices of the supreme court are now paid

Section 2 In addition to the duties of the board of trustees of the state library, as provided by Chapter 47 of the Laws of 1915, said board of trustees shall have and perform the following duties, to-wit.

- (a) It shall be the duties of said board of trustees to meet from time to time, as occasion may demand, and select from the opinions written by the members of the Supreme Court the opinions which, in the judgment of the board, should, for the benefit of jurisprudence, be officially reported and published, and to designate in a report to the clerk of such court which of said opinions shall be officially reported and published and which shall not be officially reported and published, and to supervise, amend, and correct all syllabi or headnotes prefixed to such published opinions.
- (b) For the purpose of making the statutes of this state more serviceable, and to provide a permanent and uniform system in relation

thereto, it is hereby made the duty of said board of trustees to supervise, correct and approve all revisions, codifications, compilations, pocket parts or other supplements thereto, including the annotations therein contained, as may be hereafter authorized by the legislature of this state.

Section. 3 All laws or parts of laws in conflict herewith are hereby repealed. [ch 138, Laws of 1941]

Sec. 133-103 **Prescribe rules and regulations.** Said board of trustees shall have the right to prescribe such rules and regulations for the management and control of the state library, as in the judgment of said board may seem fit and proper for the safety, care and custody of the library, shelving, books, documents and archives therein, and for the convenience and accommodation of the patrons of such library [L '15, ch 47, s.3.]

Sec. 133-104 **Purchase of books and management of affairs.** Said board of trustees shall order and purchase all books for said library for which an appropriation shall have been made, and have full and complete management of all the financial affairs of said library [L '15, ch 47, s.4.]

Sec 133-105. **Payment of accounts.** The state auditor shall draw warrants on the state treasurer in payment of all accounts which shall have been audited by said board of trustees to the extent of the appropriations made for such purposes but for no more. [L , '15, ch 47, s 5]

Sec 133-106 **Librarian; appointment; custody of property.** The state library shall be under the care and custody of a librarian who shall be appointed by said board of trustees, and who shall hold office at the pleasure of said board of trustees. The librarian shall have the custody and charge of all books, archives, maps, charts, engravings and all other things properly belonging to the library, or directed to be deposited therein [L. '15, ch.47, s.6.]

Sec 133-107 **Bond of librarian.** The librarian, before taking office, shall give bond to the state of New Mexico in the sum of two thousand dollars, with sufficient surety or sureties, for the faithful performance of his or her duties, for the preservation and safe delivery of all property committed to his or her care, to his or her successor, and for the faithful paying over of all moneys coming into his or her hands as librarian Said bond shall be approved by the chief justice of the supreme court and be filed with the clerk of the supreme court of the state of New Mexico [L. '15, ch 47, s 7]

Sec 133-109 **Penalty for librarian allowing removal of books.** If the librarian shall permit or allow any person, not authorized by such rules and regulations as shall be prescribed by the board of trustees, to remove a book or other property from the library, he or she shall be deemed guilty of a misdemeanor, and subject to a fine of ten dollars for every book or other article so removed. [L. '15, ch.47, s.9.]

Sec. 133-110. **Penalty for removal of books.** Any person not authorized by the rules and regulations of the board of trustees so to do, who shall take

from the library any book or other property belonging thereto, either with or without the consent of the librarian, shall be deemed guilty of a misdemeanor and subject to a fine of ten dollars for every book or other property so taken. Provided, that in case of a felonious taking of such book or property, the person guilty thereof shall be punished in the manner and to the extent now provided by law for the punishment of such felonies [L '15, ch 47, s 10.]

Sec. 133-111 **Damages for injury.** Any person injuring, defacing or destroying a book or other property belonging to the library, shall forfeit twice the value thereof to be sued for and recovered by the state, and it shall be the duty of the librarian to promptly notify said board of trustees of any such offense. [L 15, ch 47, s 11]

B. STATE MUSEUM AND HISTORICAL SOCIETY

(1) GENERAL PROVISIONS

(New Mexico Stats Anno 1929, p 1251-1254, s 91-101 to 91-120)

Sec 91-101. **Museum of New Mexico established.** There is hereby established the museum of New Mexico, which shall be located at the city of Santa Fe, and which shall be under the management and control of a board of regents of six members to be appointed as hereinafter provided, all of whom shall be residents of state of New Mexico [L '15, ch 19, s 1, amending Code '15, s 3796]

Sec 91-102 **Old palace; control of by board of regents for museum.** The building known as the old palace, in Santa Fe, and the grounds appertaining thereto, bounded as follows On the south by Palace avenue, on the east by Washington avenue, on the north by lands of the state on which is now being constructed the armory building, and the lands of the Santa Fe lodge No 469, B. P. O. E. of Santa Fe, and on the west by Lincoln avenue, together with all buildings and improvements thereupon situate and all lands or other property that may be acquired for museum purposes at any time in the future, are hereby placed under the control of the board of regents herein created, for the use of the museum herein established, and for other purposes as herein specified [L '09, ch 4, s 2]

Sec 91-103 **Palace seat of school and museum of American archaeology.** The board of regents shall grant, free of rent, to the archaeological institute of America, the use of the property herein described, for the seat of its school and museum of American archaeology which museum shall be the museum of New Mexico Provided, that the rooms in the east end of the building which are now occupied by the historical society of New Mexico, shall be reserved for the use of said society, free of rent, so long as the same is conducted in harmony with the management of the museum of New Mexico herein established, and for free public use The facts of which shall be judged of by the state legislature [L. '09, ch 4, s 3]

Sec. 91-104 Board of regents; qualification; term; officer; no salary; quorum; vacancy. The board of regents shall be constituted as follows: The governor of New Mexico is authorized to nominate, and by and with the consent of the senate appoint one reputable citizen of New Mexico, and three members of the managing committee of the school of American archaeology, who shall also be citizens of New Mexico, to be designated to him by its chairman. The governor of New Mexico and the president of the New Mexico archaeology society shall be ex-officio members of said board of regents, with full powers of membership. No member of said board of regents shall receive any salary or compensation, either directly or indirectly, from the state of New Mexico, for any services performed as member of said board of regents, and each member of said board shall after his appointment as aforesaid, take and subscribe an oath before a qualified notary public having a seal, for the faithful performance of his duties as such, which oath of office shall be filed with the secretary of state. Said board of regents shall assemble at Santa Fe, New Mexico, within ninety days after the passage of this act, and organize by the election of one of its members as president, and one of its members as treasurer. The treasurer shall execute a good and sufficient bond in the sum of not less than five thousand dollars to the state of New Mexico, to be approved by the secretary of state and by him deposited for safe keeping, for the faithful performance of his duties as treasurer aforesaid, and for the proper accounting for all funds received by him from any source whatsoever in his official capacity. At the annual meeting of said board of regents the accounts of the treasurer shall be audited, and all valid accounts approved. Four members of the board of regents shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Said board shall provide proper rules and regulations for its own government. Said board is authorized to appoint a competent person, resident of the state of New Mexico, as secretary, whose duties shall be as prescribed by said board. The appointed members of said board shall hold office for the term of four years and until their successors are appointed and qualified. In case of any vacancy in said board, the governor is authorized to fill such vacancy in the same manner as provided for in this act as to original appointments. [L. '15, ch 19, s 4, amending Code '15, s 3799.]

Sec 91-105. Director of museum; no salary. The board of regents shall accept the services of the director of the school of American archaeology as director of the museum of New Mexico, but said director shall receive no salary from funds appropriated by New Mexico. [L. '09, ch 4, s 5.]

Sec 91-106 Board of regents to equip palace. The board of regents is authorized to equip the old palace building with heating plant, electric light and plumbing, out of funds to be appropriated for that purpose by the state of New Mexico, in a sum not to exceed three thousand dollars. [L. '09, ch 4, s 6.]

Sec. 91-107. Palace; architecture of additions. The board of regents is

directed that all alterations, extensions and additions to the main palace building shall be made so as to keep it in external appearance as nearly as possible in harmony with the Spanish architecture of the period of its construction and preserve it as a monument to the Spanish founders of the civilization of the southwest. [L. '09, ch 4, s 7.]

Sec. 91-108 Annual appropriation; purpose and deposit of. There is hereby provided an annual appropriation of ten thousand dollars or so much thereof as may be required, to be used for the care, improvement, extension and enlargement of the buildings, grounds and museum, the obtaining of collections, books and equipment for the museum, the excavation and study of ancient ruins for the benefit of the museum, and preservation of archaeological sites in New Mexico, the publication of investigations in New Mexico, and for incidental expenses necessary to the administration of the museum, said appropriation to be available as follows: Five thousand dollars on the first days of January and July of the year nineteen hundred and sixteen, and of each year thereafter, and the auditor of New Mexico is hereby directed to make a sufficient levy on all property subject to taxation in New Mexico each year to realize the sum or sums herein provided, and to direct the several collectors of taxes to collect the same at the same time and in the same manner as other taxes are collected, and when the same shall be paid over to the state treasurer, he shall deposit the same in a separate account to be kept by him to be known as "the museum of New Mexico fund," and the said auditor shall draw his warrants on such funds, when available, on vouchers properly signed by the secretary and the treasurer of said board of regents, and the treasurer shall pay the same on presentation thereof to him [L. '15, ch.19, s.8, amending Code '15, s 3803]

Sec 91-109 Board of regents; reports; ownership of property. The board of regents of the museum of New Mexico provided for by this article shall make annually on or before the fifteenth day of January to the governor of New Mexico a detailed report of all its acts, transactions, receipts and disbursements for the calendar year immediately preceding such report, which said report shall be transmitted to the first session of the legislature held after he shall have received the same for the consideration and the action of the legislature thereon. The museum of New Mexico hereby established and all of its property of every kind and description shall be and remain the exclusive property of the state of New Mexico, and any future legislature shall have the right to amend, alter or repeal this article in whole or in part. [L. '09, ch 4, s.9.]

Sec 91-110 Act effective; construction. Nothing in this article shall be construed in any way to interfere with the museums of the state institutions. [L. '09, ch 4, s 10; Code '15, s 3805.]

Sec 91-111. Historical society; rooms to be open to public; reports. The rooms of the said society shall be kept open to the public, free of any charge, at suitable hours, every day. Said society shall make a report of its opera-

tions at each session of the legislature. [L. '97, ch.72.]

Sec. 91-112. Rooms to be open to public. The rooms in the old palace at Santa Fe, reserved for the use of the historical society of New Mexico, as provided in Chapter LXXVI (91-101 to 91-111) of the Laws of New Mexico, Codification 1915, shall be open to the public, free of charge, every day in the year, on days other than Sundays and legal holidays for not less than five hours, and on Sundays and legal holidays, for not less than three hours, for the exhibition of the collections of said society, and such historic objects as may be loaned for the purpose. [L. '17, ch 96, s.1.]

Sec 91-113. Annual appropriation. There is hereby provided an annual appropriation of nine hundred dollars to be paid to the historical society of New Mexico for the use and public exhibition of the historical collections of said society and for the proper care and display of said collections and articles loaned for exhibition in said rooms, which appropriation shall be payable quarterly upon warrants to be drawn by the state auditor on vouchers properly signed by the treasurer of the board of regents of the museum of New Mexico. [L. '17, ch 96, s 2.]

Sec 91-114 School of American research may use property without rent. The board of regents of the museum of New Mexico shall grant the use of the buildings, grounds and property now or hereafter belonging to the museum of New Mexico free of rent to the school of American research, a corporation for scientific purposes formed under the laws of New Mexico, for the seat of its operations and for the depositing and using of its collections and equipment [L '17, ch 97, s 1]

Sec 91-115 Director of school act as director of museum. The board of regents of said museum shall accept the services of the director of the school of American research as director of the museum of New Mexico, without salary from funds appropriated by New Mexico [L '17, ch 97, s 2.]

Sec 91-116 Board of regents. The board of regents of the museum of New Mexico shall consist of the governor of New Mexico and the president of the archaeological society of New Mexico, as ex-officio members, and the four appointive members, who shall be nominated by and with the advice and consent of the senate, appointed by the governor, three of whom shall be members of the board of managers of the school of American research; their terms of office shall be as now provided by law. [L. '17, ch 97, s.3.]

Sec 91-117 Historical society custodian of certain public archives. The historical society of New Mexico is hereby made the official custodian and trustee for the state of New Mexico of the public archives of whatever kind which may be transferred to it from any public office of state, county, city, or otherwise. [L. '27, ch 126, s.1.]

Sec. 91-118. Id.; non-current records, etc. For the purpose of safe custody, better preservation and historical study of such archives, any state, county or other official shall transfer to the historical society of New Mex-

ico, upon its request and in its capacity as trustee and custodian for the state, any non-current records, documents, original papers, manuscripts, newspaper files or printed books not specifically required by law to be retained in the office of such official as a part of the public records. [L '27, ch.126, s.2]

Sec. 91-119 Attorney general may replevin certain records. On behalf of the state of New Mexico and its trustee, the historical society of New Mexico, the state attorney general may replevin any papers, books, correspondence, etc., which were formerly part of the records or files of any public office in the territory or state of New Mexico [L '27, ch 126, s 3]

Sec 91-120. Photostatic or transcript copies Custodianship by the historical society of New Mexico shall be legal as well as physical After such transfer of any records or other material, photostatic or transcript copies thereof, certified by the secretary or other authorized representative of the historical society, shall have all the force and effect as if made by the official originally in custody of them [L '27, ch 126, s 4]

(2) LINCOLN COUNTY MUSEUM

(New Mexico Stats 1938, Suppl p 506, s 91-201 to 91-203)

Sec 91-201 Museum; Lincoln County court house; created. That the old Lincoln county court house at Lincoln, in Lincoln County, New Mexico, is hereby made a state museum and a branch of the museum of New Mexico, and after the passage of this act shall be under the care, supervision and control of said body [L '37, ch 26, s 1]

Sec 91-202. Board of education to convey That the county board of education of Lincoln County, New Mexico, is hereby authorized to donate and convey said courthouse with sufficient supporting real estate to the state of New Mexico for museum purposes [L '37, ch 26, s 2]

Sec 91-203 That the Board of Regents of the Museum of the State of New Mexico is authorized and directed to repair, renovate and preserve said Courthouse out of any monies appropriated to the Museum of the State of New Mexico, and there is hereby appropriated annually the sum of Six Hundred Dollars (\$600 00) to be paid by the warrant out of the general fund at the rate of fifty dollars (\$50 00) monthly for the purpose of hiring a custodian for said courthouse, said custodian to be appointed for two years by the Governor with the consent of the Board of Regents of the Museum of New Mexico [L. 1941, ch 184, s 1]

C STATE LIBRARY COMMISSION

(New Mexico Laws of 1941, ch 129, S B 35)

Sec 133-201 State library extension service created. There is hereby created a state library extension service for New Mexico with headquarters at the state capitol [L. 1941, ch 129]

(Ch 129 Laws of 1941)

Sec. 1. There is hereby created a New Mexico State Library Commission composed of five members which shall have its headquarters at the state capitol. Four members of said Commission shall be appointed by the Governor from among resident citizens of the State interested in and informed with regard to library conditions, said appointees insofar as practicable to represent different sections of the State. Two of said members shall be originally appointed for a term of two years, one member shall be originally appointed for a term of four years, and one member shall be originally appointed for a term of six years. After the expiration of said original appointments, all appointments shall be for terms of six years. The Chairman of the State Board of Education shall serve as a fifth member of the Commission. Members of the Commission shall serve without compensation or salary, except that they be paid their actual and necessary expenses incurred in conducting the affairs of such Commission.

Sec. 2 It shall be the duty and function of the New Mexico State Library Commission.

- (a) To administer the State Library Extension Service as a State library agency and to appoint a Director of said Extension Service who shall have professional library training and experience;
- (b) To develop a high quality personnel in the libraries of the State through encouragement of professional training, coordination of said training among the library training agencies of the State, and by cooperating with local library agencies in administration of standards of service and certification of librarians;
- (c) To supply advice and information to existing libraries and in the establishment of new libraries,
- (d) To improve working conditions through encouragement of adequate salaries, retirement annuities and establishment of satisfactory schemes for appointment, placement, promotion and tenure of qualified librarians,
- (e) To obtain each year from all libraries in the State reports showing the conditions, growth and development, together with such other facts and statistics regarding the same as may be deemed of public interest and to incorporate the same in an annual report;
- (f) To cooperate with other educational services and governmental agencies of the State and with library agencies of other states and with national library agencies, and
- (g) To administer grants-in-aid and encourage local appropriations for the betterment of local library service and generally to promote an effective state-wide public library system.

Sec. 3 The New Mexico State Library Commission is hereby designated a State Library administrative agency and said Commission is empowered to accept gifts or grants of any nature from Federal, State, county, local or private agencies, for the purpose of carrying on its work. Any grant

of money so received shall be deposited in the State Treasury to the credit of the New Mexico State Library Commission, and shall be used only for the purposes for which it is given or granted.

Sec. 4. The Commission shall organize by electing a chairman and a vice-chairman from its own membership. The director of the State Library Extension Service shall serve as executive secretary of the Commission. Said Commission shall hold title as trustees to all books, furniture, supplies and other library equipment which has heretofore been, or which may hereafter be, acquired by gift by the State Library Extension Service, or which has been purchased, or may hereafter be purchased, from funds appropriated for, or credited to, the use of said State Library Extension Service. The Commission shall order and purchase all books, furniture, supplies and other library equipment for said State Library Extension Service and shall have full and complete management of all the financial affairs of said State Library Extension Service. All payments from funds which are now or may hereafter be appropriated or credited to the use of the New Mexico State Library Commission and to the State Library Extension Service, shall be on warrants authorized to be drawn by such officer or officers of the Commission for the purpose.

Sec. 5. The provisions of this Act are not intended, and shall not be construed as divesting any state, county, municipal or other governing board or agency of its control and supervision of any library or libraries under its jurisdiction, except as the provisions of this act apply to the control and management of the State Library Extension Service.

D. DISTRIBUTION OF PUBLIC DOCUMENTS

(1938 Suppl. New Mexico Stats. Anno p 505-506, 692, s 91-121 to 91-125, 133-113, 133-113a, Laws of 1939, ch 4, s 1, Laws of 1941, ch 191, s 9)

Sec 91-121 Preamble to act requiring deposit of historical documents. Whereas, there are issued periodically by the several officers, commissions, departments of the state government and state institutions various reports, pamphlets, and publications containing data pertaining to such office, commission, department or institution, which should be preserved and made a permanent record of the state of New Mexico, and

Whereas, it is expedient and necessary that said publications should be permanently preserved by some designated official agency, Therefore [L '31, ch.154, s 1]

Sec 91-122 Duty of officers, boards and commissions to deposit reports and documents. It is hereby required and made the duty of the official head of each state office, commission, department or institution, immediately after the issuance of any official report, pamphlet, or publication relating to the affairs of such office, commission, department or institution to immediately file three (3) copies of each publication with the librarian of the supreme court library of the state of New Mexico, two (2) of which copies

so filed shall be and remain in the custody of said librarian as a permanent record of the state of New Mexico.

For the purpose of promoting uniformity, each such publication shall conform as nearly as possible to a standard size six by nine and successive publications by said office, commission, department or institution, shall, as nearly as possible, conform to a standard size and arrangement of subject matter. [L '31, ch.154, s.2.]

Sec. 91-123. Deposits to be made within 60 days; exceptions. The official head of each state office, commission, department or institution, shall, within sixty (60) days after the approval of this act, forward to the librarian of the supreme court library of the state of New Mexico, three (3) copies if available, and if not, a lesser number of each report, pamphlet, or publication heretofore published by such office, commission, department or institution, if available. Provided, however, that each such office, commission, department or institution may if desired, retain one original file copy of such publication, if such copy is the only one available. [L '31, ch.154, s.3.]

Sec 91-124 Delivery of one copy to museum. The librarian of the supreme court library of the state of New Mexico shall, upon delivery of the aforesaid publications, forthwith deliver to the librarian of the museum of New Mexico, one copy of each of said publications where more than one copy has been filed with said librarian, and the librarian of the state museum, shall file and preserve such copy so delivered as a part of the archives of the museum of the state of New Mexico [L '31, ch 154, s.4.]

Sec 91-125 Duties of supreme court librarian. It is further made a part of the duty of the state librarian of the supreme court library of the state of New Mexico to properly file, index and preserve the copies of each pamphlet so filed, as a part of the permanent records of said library. It is further made the duty of said librarian, to notify each office, commission, department or executive head of state institutions, immediately after the approval of this bill, of the requirements thereof, and thereafter, annually, during the month of July of each year, to again notify each office, commission, department or executive head of state institutions of the full requirement of this statute and to request the immediate filing of each report, pamphlet or publication, which under the terms of this act should be so filed. [L '31, ch.154, s.5.]

Sec 133-113. Statutes and reports; distribution. The officials having charge of the reports of the supreme court of the state of New Mexico and of the published statutes or session laws of this state, excepting the New Mexico Statutes, Annotated, 1929 Compilation, are required hereafter to transmit copies of each volume thereof as issued to the following parties, to-wit: 1 copy to the attorney general of the United States; 1 copy to each of the justices of the United States supreme court; 5 copies to the librarian of the supreme court of the United States; 5 copies of the reports of the supreme court of New Mexico and 8 copies of the statutes or session laws

of this state to the library of congress, 1 copy to the United States district attorney for New Mexico and each of his assistants, 1 copy to the attorney general of New Mexico and each of his assistants, 1 copy to each district attorney in this state and each of their assistants, 1 copy to each board of county commissioners, 1 copy to each probate judge; 1 copy to each district judge in this state, also, where any other state or territory will supply the state law library of this state with one or more copies of the supreme court or other appellate court reports and the statutes or session laws of such state or territory, the officials above mentioned are hereby required to transmit to the proper official of said state or territory an equal number of copies of the reports of the supreme court of this state and of statutes or session laws of this state, 1 copy to the United States district judge for New Mexico, and 1 copy each to the judges of the United States Circuit Court of Appeals in the tenth judicial circuit

Provided that such copies of reports and statutes supplied to officials within the state shall remain the property of the state of New Mexico and must be delivered by said officials to their successors in office, and provided further that the supreme court may by order distribute its reports in addition to those herein specified to state and federal officials and institutions [L. '37, ch 171, s 1]

Sec. 133-113a Public documents sent to librarian of congress, and others interested. The officer or employee of this state having charge of the publication of the public documents hereinafter mentioned shall transmit the same to the librarian of congress for the use of members of congress from New Mexico and others interested, if and when printed, as follows 2 copies each of the biennial budget, of the reports and official opinions of the attorney general of the state, and of all separate compilations of laws issued by state officers, 1 copy each of the legislative journals and other documents published by order of the state legislature or either house thereof and of all reports, bulletins, circulars, pamphlets, maps, charts and other official publications of any executive department, office, commission, bureau, board or state institution now existing or hereafter authorized by law [L. '37, ch 171, s 2]

Sec. 1. That the board of trustees of the State Law Library, composed of the justices of the Supreme Court is hereby authorized to trade, barter and exchange books and periodicals as the said board of trustees may from time to time acquire, for books and periodicals of equal or similar value, whenever the books and periodicals which may be thus acquired by trade, barter and exchange will be useful to the law library in building or completing its files, and when in the judgment of the board of trustees such exchange is in the best interests of the said library. [Ch 4, Laws of 1939.]

Sec. 9. Distribution of [1941] compilations. Said Compilation when received shall be distributed by the State Law Librarian to all state, county, precinct and district officers as shall be designated to receive the same by

the 1941 Compilation Commission of the State of New Mexico, which Compilation shall remain the property of the State of New Mexico and shall be turned over to their successors in office or returned to the office of the State Law Librarian for redistribution. Said Compilation shall be delivered to such officials at the State Law Library, or transmitted c.o.d. at their request. The State Law Librarian shall take and keep on file receipts for all such statutes so distributed. A sufficient number of sets shall be made available to the State Law Librarian of the Supreme Court for purposes of exchange mentioned in Section 8 of this act. The remainder of said statutes shall be safely preserved by the Clerk of the Supreme Court for future requirements of the State of New Mexico. [Ch 191, Laws of 1941.]

E. COUNTY LIBRARIES

(New Mexico Stats Anno 1929, p 1517, s 120-2401)

Sec 120-2401 **Funds for free public library service.** The governing board of any municipal school district may include in its estimate for school maintenance a request for an allowance for the support of free public library service available to the residents of the county in co-operation with other library agencies. The county board of education is also authorized to include a similar request in the estimates for the county administrative fund. Upon presentation of satisfactory evidence of the desirability and need of such allowance or allowances, the School Budget Commissioners are hereby authorized to comply with such requests and to fix the amount of such allowance or allowances. [Laws, '25, ch 58, s 1]

F. MUNICIPAL LIBRARIES

(New Mexico Stats Anno 1929, p 1177, 1213, s 90-402 [83], 90-1807)

Sec 90-402 (83) **Public Library.** The establishment and maintenance of a free public library is hereby declared to be a proper and legitimate object of municipal expenditure, and the council or trustees of any city or incorporated town may appropriate money for the formation and maintenance of such a library, open to the free use of all its inhabitants, under proper regulations, and for the purchase of land, and the erection of buildings, or for the hiring of buildings or rooms suitable for that purpose, and for the compensation of the necessary employees: Provided, That the amount appropriated in any one year for the maintenance of such library shall not exceed one mill upon the dollar upon the assessed valuation of such city or town. Any such city or incorporated town may receive, hold, or dispose of any and all gifts, donations, devises and bequests that may be made to such city or incorporated town, for the purpose of establishing, increasing or improving any such public library, and the city or town council thereof may apply the use, profit, proceeds, interest and rents accruing therefrom in any such manner as will best promote the prosperity and utility of such library. Every city or incorporated town in which such a public

library shall be maintained, shall be entitled to receive a copy of the laws, journals, and all other works published by authority of the state after the establishment of such library, for the use of such library, and the secretary of state is hereby authorized and required to furnish the same from year to year to such city or incorporated town.

Provided, however, that when the people of such city or town have voted to levy an annual tax or appropriation for the establishment and maintenance of a free public library, it shall not be necessary to again submit the question of such annual levy or appropriation to a vote of the people, except, upon the petition of a hundred taxpayers, residents of such city or town, petitioning for the increase, decrease or discontinuance of such annual levy or appropriation, in which event, the question of such annual levy or appropriation shall be again submitted to a vote of the people of such city or town at the next ensuing municipal election therein [L '99, ch.31, s.2.]

Sec. 90-1807. **Public Library; park fund applicable to.** That the tax authorized by the preceding section may, in the discretion of the trustees or council of any town or city levying such tax, be divided between the objects specified in said section and the establishment or maintenance and support of a public library in such city or town [Laws '99, ch.31, s.1.]

G. INCORPORATED LIBRARIES

(New Mexico Stats Anno 1929, p 498, s 32-506)

Sec 32-506 **Benevolent; scientific, etc.; colleges, libraries, etc; organization certificate.** Any five or more persons, a majority of whom shall be citizens of the United States, and residents of New Mexico, may organize a corporation for religious, benevolent, charitable, scientific or literary purposes, or for the establishment of colleges, academies, seminaries, churches or libraries, in the following manner:

They may make and sign a certificate setting forth the name of the proposed corporation, its objects, location and term of its existence.

Such certificate shall be acknowledged by at least five of its signers before a commissioner of deeds or notary public within the state, and shall be filed in the office of the state corporation commission [L '80, ch 2, s.1.]

NOTE—For further provisions, see s 32-507 to 32-512, not printed in this compilation.

NEW YORK

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A. STATE LIBRARY

(McKinney's Consol Laws of New York, v 16 [Education Law], 1938, p 798-800, 10, 21, s.1110-1116, 27, 53)

Education Law, Sec. 1110 **State library, how constituted.** All books, pamphlets, manuscripts, records, archives and maps, and all other property appropriate to a general library, if owned by the state and not placed in other custody by law, shall be in charge of the regents and constitute the state library. [Ed L. 1909, s.1020.]

Sec 1111. **State medical library.** The state medical library shall be a part of the New York State library under the same government and regulations and shall be open for consultation to every citizen of the state at all hours when the state library is open and shall be available for borrowing books to every accredited physician residing in the state of New York, who shall conform to the rules made by the regents for insuring proper

protection and the largest usefulness to the people of the said medical library [Ed.L.1909, s.1021]

Sec. 1112. Manuscript and records "on file." Manuscript or printed papers of the legislature, usually termed "on file," and which shall have been on file more than five years in custody of the senate and assembly clerks, and all public records of the state not placed in other custody by a specific law shall be part of the state library and shall be kept in rooms assigned and suitably arranged for that purpose by the trustees of public buildings. The regents shall cause such papers and records to be so classified and arranged that they can be easily found. No paper or record shall be removed from such files except on a resolution of the senate and assembly withdrawing them for a temporary purpose, and in case of such removal a description of the paper or record and the name of the person removing the same shall be entered in a book provided for that purpose, with the date of its delivery and return [Ed L. 1909, s 1022]

Sec 1113 State library; when open; use of books. The state library shall be kept open not less than eight hours every week day in the year except the legal holidays known as Independence day, Thanksgiving day and Christmas day, and members of the legislature, judges of the court of appeals, justices of the supreme court and heads of state departments may borrow from the library books for use in Albany, but shall be subject to such restrictions and penalties as may be prescribed by the regents for the safety or greater usefulness of the library. Under such rules and conditions as the regents may prescribe the state library may lend its books and printed material for a limited time to other individuals and institutions conforming to said rules and conditions. Such service shall be free to residents of this state as far as practicable but the regents may, in their discretion, charge a proper fee to nonresidents or for assistance of a personal nature or for other reason not properly an expense to the state, but which may be authorized for the accommodation of users of the library [L 1921, ch 385, s 2.]

Sec. 1114 Duplicate department. The regents shall have charge of the preparation, publication and distribution, whether by sale, exchange or gift, of the colonial history, natural history and all other state publications not otherwise assigned by law. To guard against waste or destruction of state publications, and to provide for the completion of sets to be permanently preserved in American and foreign libraries, the regents shall maintain a duplicate department to which each state department, bureau, board or commission shall send not less than five copies of each of its publications when issued, and after completing its distribution, any remaining copies which it no longer requires. The above, with any other publications not needed in the state library, shall be the duplicate department, and rules for sale, exchange or distribution from it shall be fixed by the regents, who shall use all receipts from such exchanges or sales for expenses and for increasing the state library [Ed L 1909, s.1024]

Sec 1115. Transfers from state officers. The librarian of any library owned by the state, or the officer in charge of any state department, bureau, board, commission or other office may, with the approval of the regents, transfer to the permanent custody of the state library or museum any books, papers, maps, manuscripts, specimens or other articles which, because of being duplicates or for other reasons, will in his judgment be more useful to the state in the state library or museum than if retained in his keeping [Ed L 1909, s 1025.]

Sec 1116. Other libraries owned by the state. The report of the state library to the legislature shall include a statement of the total number of volumes or pamphlets, the number added during the year, with a summary of operations and conditions, and any needed recommendation for safety or usefulness for each of the other libraries owned by the state, the custodian of which shall furnish such information or facilities for inspection as the regents may require for making this report. Each of these libraries shall be under the sole control now provided by law, but for the annual report of the total number of books owned by or bought each year by the state, it shall be considered as a branch of the state library and shall be entitled to any facilities for exchange of duplicates, inter-library loans or other privileges properly accorded to a branch [Ed L 1909, s 1026.]

Sec 27 State education building. The state education building shall be occupied exclusively by the education department, including the * * * state library, * * * [N Y Laws, 1927.]

Sec 53 Departments and their government. The state library and state museum shall be departments of the university, and the regents may establish such other departments and divisions therein as they shall deem useful in the discharge of their duties [Ed L 1909, s 1091.]

B. LIBRARY EXTENSION DIVISION, UNIVERSITY OF THE STATE OF NEW YORK

(McKinney's Consol Laws of New York, v 16 [Education Law], 1938, p 812, s 1131, see also s 1133 under "Municipal and Association Libraries and Museums")

Education Law Sec 1131 Library extension service. By such means, in such manner and upon such conditions as the regents may prescribe they shall make provision for a library extension service for the promotion, organization and supervision of free libraries, for supplying information, advice, assistance or instruction on any matter pertaining to library methods or practice or to the establishment, equipment, organization or administration of libraries, for the acquisition, preparation and circulation of traveling libraries and other educational material, for aiding and encouraging study clubs; and for the employment of all suitable efforts to bring within the reach of all the people of the state, and awaken their desire for, increased opportunities and facilities for reading and study [Am. by L. 1921, ch 385, s 16.]

C. LEGISLATIVE LIBRARY

(McKinney's Consol Laws of New York, v 31 [Legislative Law], 1941 Suppl.
p 9, s 7-a)

Legislative Law. Sec 7-a. Legislative library; librarian and assistants. There shall be a legislative library to be located in the state capitol in rooms assigned by the trustees of public buildings, conveniently accessible to the members of both houses of the legislature, and such library shall be open throughout the year.

Such library shall be suitably furnished, equipped and maintained under the direction of the legislative librarian, within the amount of any moneys available therefor by appropriation, subject to joint rules, if any, that may be adopted by the senate and assembly in relation thereto. There shall be, for such library, a legislative librarian, three assistant librarians and one messenger, who shall be chosen by the president of the senate and speaker of the assembly. One of the assistant librarians shall be assigned by the legislative librarian to have charge of the legislative correspondents' room in the capitol. The legislative librarian, two assistant librarians and messenger heretofore chosen by the president of the senate and speaker of the assembly, and in office when this section as hereby amended takes effect, shall continue to serve until their successors shall be chosen in like manner. The salaries and compensation of the legislative librarian, assistant librarians and messenger shall be payable monthly from moneys appropriated for compensation of officers and employees of the senate and assembly. During a vacancy in the office of legislative librarian, the assistant librarian who shall have been longest in the service of the state as a legislative employee, shall be employed as acting legislative librarian with the powers and duties of such librarian, and shall receive during such period the compensation herein prescribed for the legislative librarian. Such library shall be deemed established from and after the selection of the first legislative librarian hereunder. Such librarian shall have charge of the legislative library, but the two houses of the legislature may, by joint rules, regulate the use of the library and prescribe the powers and duties of the legislative librarian and the assistant librarians [Am. by L 1920, ch 531]

D. DISTRIBUTION OF PUBLIC DOCUMENTS

(McKinney's Consol Laws of New York, v 31 [Legislative Law], 1917, p 34, s 47 [1], [2], [5], *Ibid* 1941 Suppl. p 18, s 46 [6], v 18 [Executive Law], 1917, p 4, s 27, *Ibid* 1941 Suppl. p.15, s.32, v 11 [County Law], 1916, p 219, s 50 [7], v 29 [Judiciary Law], 1940, p 314, s 434 [6], v 57 [State Printing Law], 1941 Suppl. p 9, 11, s 5 [2], 7 [2], [3])

LEGISLATIVE

Legislative Law Sec. 47. Officers and institutions entitled to receive bound volumes of journals, bills and documents. As soon as the journals, bills and documents are bound, the clerks of the senate and assembly respectively shall distribute them as follows:

1. For the senate library, three copies of the journals and documents, and two copies of the bills;

2. For the assembly library, five copies of the journals and documents, and three copies of the bills;

* * * * *

5. For the state library, two copies of the journals, documents and bills. [L 1906, ch 475, s.1.]

EXECUTIVE

LAWS FROM THE STATE

Executive Law Sec 27 **Exchange of laws and reports with other states.** The secretary of state shall transmit to the executive of each state in the union, three copies of the laws of each year and of the reports of the court of appeals, as soon as published, and request a similar transmission to be made to him of the laws and reports of the highest courts of the several states, and when the laws of another state are received he shall cause one copy thereof to be deposited in the state library, one in the senate library and one in the assembly library, if but one copy be received, it shall be deposited in the state library. The expenses incurred thereby shall be included in the incidental expenses of the administration of his office [L.1893, ch 248, s.2.]

COUNTY

PROCEEDINGS BOARD OF SUPERVISORS

County Law Sec. 50 **Duties.**

Clerks of boards of supervisors shall. * * *

7 Transmit to the librarian of the state library at Albany, a copy of the proceedings of such board, annually, and within twenty days after the same shall be published [County Law of 1892, c 686, s 50]

JUDICIARY

LAW REPORTS

Judiciary Law Sec. 434. **Contracts for publication of reports. * * ***

6. Said contract shall require the contractor to furnish the state library with fifty-eight copies of the court of appeals and appellate division reports and three copies of the miscellaneous reports, and also to furnish copies of said publications to the various libraries in the state, as now required by law, the expense whereof shall be borne by the state. [L.1917, c 775, s 1.]

LEGISLATIVE

Legislative Law. Sec 46. **Officers and institutions entitled to receive session laws. * * ***

6. To each public law library in the state, one copy. [L 1939, c.145.]

EXECUTIVE

COURT REPORTS

Executive Law. Sec. 32. **Distribution of court of appeals and appellate**

division and miscellaneous reports. Of the copies of each volume of the reports of the court of appeals and of the appellate division and of the opinions of courts of record reported by the miscellaneous reporter furnished to the secretary of state, he must deliver one to the clerk of each county, for the use of the county, deposit one in the office of the attorney-general, deliver one to the clerk of the court of appeals, for the use of that court and one copy for each judge thereof, deliver one to each justice of the supreme court, and to each county judge, and to each surrogate where the surrogate is not also the county judge and deposit three copies in the state library. [Amended by L 1920, ch 188]

State Printing Law Sec 5 (2) Legislative printing. * * * There shall be printed, by the contractor, fifteen hundred copies of each bill and within twenty-four hours after the receipt of the copy, unless such time be extended by order of the respective clerks of the senate and assembly, there shall be delivered as follows * * * to the state library, two copies * * * [Laws 1941, c 424, s 2]

Sec 7 Department printing. * * *

2 Any state officer, department, commission, institution or board may deliver the copy of its report to the board on or before the first day of August, or as soon thereafter as possible, and when so delivered the form, nature and quantity of its contents shall be considered and approved by the board and after such approval ordered printed for transmission to the legislature in printed form. The board, in addition to the number of copies thereof required to be distributed pursuant to section forty-seven of the legislative law, may direct the printing of as many copies of reports of state officers, departments, commissions, institutions and boards as the board may deem necessary for the use of the legislature, the respective state officers, departments, commissions, the institutions and boards, but such number shall not exceed the following * * * of the library report, one thousand copies, * * * [As amended L.1921, c 337]

3. Upon request duly made therefor, not to exceed fifty of said copies shall be delivered to the state library, by the state officer, department, commission, institution and board receiving the same [As amended L. 1921, c 337]

E. COUNTY LIBRARIES

(McKinney's Consol Laws of New York, v 16 [Education Law], 1938, p 804-805, s 1118-b, 1118-c)

Education Law Sec 1118-b County Libraries 1 The board of supervisors of each of the counties of the state is hereby authorized and empowered to establish a free public county library and to raise by tax upon the taxable property of said county such sum as shall be necessary for the maintenance of such library and the necessary salaries and expenses of the county librarians and assistants, provided, however, that the amount of tax raised for the support of such county library shall not exceed in any one

year one mill on each dollar of the actual valuation of said taxable property as determined by the state tax department. All moneys received from such taxes or other sources shall be kept as a separate library fund by the treasurer of the county and shall be expended only under direction of the board of trustees of the county library as hereinafter established on properly authenticated vouchers.

2. Whenever the board of supervisors by majority vote shall have authorized the establishment of a county library, as hereinbefore provided, it shall proceed to appoint five residents of the county living in different towns of the county as trustees of the county library. The members of the board thus elected shall take office at once and shall continue to hold office for one, two, three, four and five years, respectively, from January first following their appointment. Thereafter there shall be appointed annually by the board of supervisors a trustee for a full term of five years in place of the trustee whose term expires. Such board of trustees shall fill any vacancy which occurs during a term of office. The five trustees so appointed shall constitute a board which shall be a body corporate and shall have all the powers and duties of public library trustees as prescribed by law.

3. Within the limits of the appropriations made by the board of supervisors, the said board of trustees of such free public county library shall also have the power and it shall be its duty to appoint a competent trained librarian and assistants and to establish the headquarters of the county library at the county seat or at some other point conveniently located within the county and to establish such branches and book stations as may be necessary and to provide one or more book trucks for the distribution of books, as they may deem desirable.

4. In lieu of establishing a county library system as herein provided, such board of trustees of any county library may contract with any public or free library registered by the regents as maintaining proper standards for library service upon such terms and conditions within an amount appropriated by the board of supervisors and other available funds as may be agreed upon by the contracting parties and approved by the commissioner of education and boards of trustees of public and free libraries are hereby authorized and empowered to enter into such contracts at an amount not less than the estimated cost of such service. The amount agreed to be paid under such contract shall be a charge upon the county and shall be paid in the manner authorized by subdivision one of this section.

5. The commissioner of education shall establish regulations for the registration of county library systems and their branches, the supervision of county libraries and the certification of county librarians and professional assistants. [L. 1932, ch 120 July 1.]

Sec. 1118-c. Rural traveling library system. By vote of its board of supervisors any county may adopt a resolution for the establishment and maintenance of a rural traveling library system for the free circulation of

books from a conveyance equipped for the carriage and distribution of such books throughout the rural districts of such county and may appropriate annually money sufficient for the support and maintenance of such system. The said board of supervisors shall upon the adoption of such resolution appoint a committee of five persons, not members of such board of supervisors, who shall serve without compensation and who shall have the supervision, management and regulation of such rural traveling library system with power to appoint, remove, and fix the compensation of employees and to incur such other charges against the appropriation for the purposes of said rural traveling library system as are within the limits fixed by the said board of supervisors. All expenses incurred in the establishment and maintenance of such rural traveling library system shall be paid in the same manner as are other charges against the county. [Added by L.1924, c.214.]

F. MUNICIPAL AND ASSOCIATION LIBRARIES AND MUSEUMS

(1) GENERAL PROVISIONS

(McKinney's Consol Laws of New York, v 16 [Education Law], 1938, p.801, 803, 806, 807-814, 191, 360, 38, s 1117, 1118a, 1119, 1121-1130, 1133-1134, 223, 455 [2], 68, *Ibid* 1941 Suppl p 102, s 1118)

Education Law. Sec 1117 **Public and association libraries and museums.** (1) All provisions of this section and of sections 1118 to 1134 inclusive shall apply equally to libraries, museums, and to combined libraries and museums, and the word "library" shall be construed to mean reference and circulating libraries and reading rooms

(2) The term "public" library as used in this chapter shall be construed to mean a library, other than professional, technical or public school library, established for free public purposes by official action of a municipality or district or the legislature, where the whole interests belong to the public, the term "association" library shall be construed to mean a library established and controlled, in whole or in part, by a group of private individuals operating as an association, corporation, or as trustees under the provisions of a will or a deed of trust; and the term "free" as applied to a library shall be construed to mean a library maintained for the benefit and free use on equal terms of all the people of the community in which the library is located

(3) The regents shall have power to fix standards of library service for every free association or public library which receives any portion of the moneys appropriated by the state to aid such libraries, or which is supported in whole or in part by tax levied by any municipality or district. If any such free association or public library shall fail to comply with the regents' requirements such library shall not receive any portion of the moneys appropriated by the state for free libraries nor shall any tax be

levied by any municipality or district for the support in whole or in part of such library. [Am. by L.1921, ch.385, s.3; L.1922, ch.345, s.1.]

Sec 1118. Establishment of a public library. By majority vote at any election, or at a meeting of the electors duly held, any county, city, village, town, school district or other body authorized to levy and collect taxes; or by vote of its board of supervisors any county, or by vote of its common council or by action of a board of estimate and apportionment or other proper authority any city, or by vote of its board of trustees any village, or by a vote of its town board any town, or any combination of such voting bodies may establish a public library with or without branches, and may raise money by tax to equip and maintain such library or libraries or to provide a building or rooms for its or their use; and any such municipality or district may acquire real or personal property for library purposes by gift, grant, devise, bequest of condemnation and may take, buy, sell, hold and transfer either real or personal property and administer the same for public library purposes. Whenever twenty-five taxpayers shall so petition the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice of the proposed action shall have been given. Whenever the elector of a school district at a district meeting duly held shall have established a public library under the provisions of this section and at such meeting or at any subsequent meeting duly held shall determine by a majority of the voters present and voting on the proposition to levy a tax to be collected in installments for the purchase of condemnation of a site and the erection thereon of a library building on land acquired otherwise than by purchase of condemnation, for the purchase of land and a building thereon suitable for use as a library, indebtedness for any such object or purpose may be incurred by the trustees or board of education and bonds or other evidences of indebtedness of the school district may be issued pursuant to the provisions of section four hundred and eighty of this chapter [As amended L.1939, c 552.]

Sec 1118-a Contracts. Any authority named in section 1118 may grant money for the support of free association libraries provided such libraries are registered by the regents; or may share the cost of maintaining a public library or libraries as agreed with other municipal or district bodies; or may contract with the trustees of a free library registered by the regents, or with any municipal or district body having control of such a library, to furnish library privileges to the people of the municipality or district for whose benefit the contract is made, under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such privileges under such contract shall be a charge upon the municipality or district and shall be paid in the same manner as other municipal or district charges. [L.1921, ch 385, s.5.]

Sec. 1119. Acceptance of conditional gift. By majority vote at any elec-

tion or at a meeting of the electors, duly held, any municipality or district or by three-fourths vote of its council any city, or any library or any designated branch thereof if so authorized by such vote of a municipality, district or council, or any combination of such voting bodies, may accept gifts, grants, devises or bequests for library purposes or for kindred affiliated educational, social and civic agencies on condition that a specified annual appropriation shall thereafter be made for the maintenance of a library or branches thereof, or of such kindred affiliated agencies, by the municipality or district or combination so authorizing such acceptance, or upon such other conditions as may be stipulated in the terms of the gift. Such acceptance when approved by the regents of the university under seal and recorded in its book of charters shall be a binding contract, and such municipality or district shall levy and collect yearly in the manner prescribed for other taxes the amount stipulated and shall maintain any so accepted gift, grant, devise or bequest intact and make good any impairment thereof, and shall comply with all other conditions set forth in the stated terms of the gift [Amended by L 1921, c 385, § 7]

Sec 1121 Closing museum; admission fee during certain hours. The trustees of any institution supported under this chapter by public money, in whole or in part, may, so far as consistent with free use by the public at reasonable or specified hours, close any of its museum collections at certain other hours, for study, to meet the demands of special students or for exhibition purposes, and may charge an admission fee at such hours, provided that all receipts from such fees shall be paid into the treasury and be used for the maintenance or enlargement of the institution [Ed L 1909, s 1031]

Sec 1122 Library taxes. Taxes, in addition to those otherwise authorized, may be voted for library purposes by any authority named in section 1118 and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor till changed by further vote and shall be levied and collected yearly, or as directed, as are other general taxes, provided, however, that in any municipality or district in which the assessed valuation of the taxable property is one million dollars or less the rate of library tax shall not exceed two mills on each dollar, that in any municipality or district in which the assessed valuation of the taxable property is more than one million dollars and less than two million dollars, the rate of library tax shall not exceed one and one-half mills on each dollar, that in any municipality or district in which the assessed valuation of the taxable property is two million dollars or over the rate of library tax shall not exceed one mill on each dollar. All moneys received from taxes or other sources for library purposes shall be kept as a separate library fund by the treasurer of the municipality or district making the appropriation and shall be expended only under direction of the library trustees on properly authenticated vouchers, except that money received from taxes for the support of a free association library shall be paid over to the treasurer of the official

body maintaining such library upon the written demand of its directors or trustees [L.1921, ch.385, s 9]

Sec 1123. Trustees. (1) Public libraries established by action of the voters or their representatives shall be managed by trustees who shall have all the powers of trustees of other educational institutions of the university as defined in this chapter, provided that the number of trustees shall be five, that in cities they shall be appointed by the mayor and confirmed by the common council, in counties they shall be appointed by the county board of supervisors, in villages they shall be appointed by the village board of trustees, in towns they shall be appointed by the town board, and in school districts they shall be elected by the legal voters, that the first trustees shall determine by lot the year in which the term of office of each trustee shall expire and that a new trustee shall be elected or appointed annually to serve for five years. The charter of any public library granted prior to April thirtieth, nineteen hundred and twenty-one, which provides for trustees, their terms of office and method of election or appointment in a manner differing from that hereinbefore provided, shall remain in full force and effect until the regents, upon application of the library trustees, shall amend the charter to conform to the provisions of law in effect when such amendment is made.

(2) No person who is a member of any municipal council or board authorized by this section to appoint public library trustees in any municipality shall be eligible for the office of such public library trustee in such municipality.

(3) Regular meetings of a board of public library trustees shall be held at least quarterly, and such board shall fix the day and hour for holding such meetings [L 1922, ch 113, 345.]

Sec 1124 Incorporation. Within one month after taking office the first board of trustees of any such public library shall apply to the regents for a charter in accordance with the vote establishing the library [L 1921, ch.385, s.11.]

Sec 1125 Use of public libraries. Every library established under section 1118 of this chapter shall be forever free to the inhabitants of the municipality or district which establishes it, subject always to rules of the library trustees who shall have authority to exclude any person who wilfully violates such rules, and the trustees may, under such conditions as they think expedient, extend the privileges of the library to persons living outside such municipality or district. [L 1921, ch 385, s 12]

Sec 1126. Reports. Every museum or library, other than a school library, which enjoys any exemption from taxation or receives state aid or other privilege not usually accorded to business corporations shall make the report required by section 58 of this chapter, and such report shall relieve the institution from making any report now required by statute or charter to be made to the legislature or to any department, court or other

authority of the state. These reports shall be summarized and transmitted to the legislature by the regents with the annual reports of the university. [L.1921, ch.385, s.13]

Sec. 1127. Injuries to property. Whoever intentionally injures, defaces or destroys any property belonging to or deposited in any incorporated library, reading room, museum or other educational institution, shall be punished by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment [Ed L 1909, s.1037]

Sec. 1128. Detention. Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution, such article or other property may be kept, shall be punished by a fine of not less than one nor more than twenty-five dollars, or by imprisonment in the jail not exceeding six months, and the said notice shall bear on its face a copy of this section [Ed L.1909, s.1038]

Sec 1129 Transfer of libraries. By vote similar to that required by section 1118 of this chapter any municipality or district or combination of districts, or by action of its trustees at a meeting duly held any association library, incorporated or registered by the regents may, when such vote or action has been duly approved by the regents, transfer, conditionally as provided in section 1119 of this chapter, or otherwise, the ownership and control of its library with all its property, real and personal, or any part thereof, to any municipality, or district, or institution providing for free library service, and the trustees or body making the transfer shall thereafter be relieved of all responsibility pertaining to property thus transferred [L.1922, ch 345, s 4]

Sec 1130 Local neglect. If the local authorities of any library supported wholly or in part by state money fail to provide for the support of such library and the public usefulness of its books, the regents shall in writing notify the trustees of said library what is necessary to meet the state's requirements, and on such notice all said library's rights to further grants of money or books from the state shall be suspended until the regents certify that the requirements have been met; and if said trustees shall refuse or neglect to comply with such requirements within sixty days after service of such notice, the regents may remove them from office and thereafter all books and other library property wholly or in part paid for from state moneys shall be under the full and direct control of the regents who, as shall seem best for public interests, may appoint new trustees to carry on the library, or may store it, or distribute its books to other libraries. [L. 1921, ch.385, s 15]

Sec. 1133. Apportionment of money for grants to libraries. Such sum

as shall have been appropriated by the legislature for grants to libraries shall be paid annually by the treasurer, on the warrant of the comptroller, from the income of the United States deposit fund, according to an apportionment to be made by the regents for the benefit of free libraries in accordance with regents' rules and authenticated by their seal; provided that none of such sum shall be spent for books except those approved or selected and furnished by the regents; that from such sum each free circulating library complying with regents' requirements shall receive an apportionment of one hundred dollars annually except that no library shall receive an amount greater than that provided for the same purpose from local sources, that for any part of the apportionment not payable directly to the library trustees the regents shall file with the comptroller proper vouchers showing that it has been spent in accordance with law for books for free libraries or for proper expenses incurred for their benefit, and that books paid for by the state shall be subject to return to the regents whenever a library shall neglect or refuse to conform to the ordinances under which it secured them [L 1922, ch 345, s 5]

Sec 1134. **Abolition.** Any library established by public vote of any municipality or district, or by vote of the common council of any city, or by vote of the board of trustees of any village, or by action of school authorities, or under section 1118 of this chapter, may be abolished by majority vote at an election, or at a meeting of the electors duly held, provided that due public notice of the proposed action shall have been given. If any such library is abolished its property shall be used first in return to the regents, for the benefit of other free association or public or school libraries in that locality, the equivalent of such sums as it may have received from the state or from other sources as gifts for public use. After such return any remaining property may be used as directed in the vote abolishing the library, but if the entire library property does not exceed in value the amount of such gifts it may be transferred to the regents for public use, and the trustees shall thereupon be free from further responsibility. No abolition of a public library shall be lawful till the regents grant a certificate that its assets have been properly distributed and its abolition completed in accordance with law. [L 1921, ch 385, s 19.]

Sec 223 **Oath of office.** No officer of a school district nor trustee of a public library shall be required to take the constitutional oath of office. [L 1928, c 261]

Sec. 455. **Use of schoolhouse and grounds out of school hours.** * * * The trustees or board of education of each district may, subject to regulations adopted as above provided, permit the use of the schoolhouse or rooms therein, and the grounds and other property of the district, when not in use for school purposes, for any of the following purposes:

* * * * *

(2) For public library purposes, subject to the provisions of this chapter,

or as stations of public libraries [Am. by L.1913, ch.221.]

Sec. 68. Powers of trustees of institutions. The trustees of every corporation created by the regents, unless otherwise provided by law or by its charter, may: * * *

7. Officers and employees. Appoint and fix the salaries of such officers and employees as they shall deem necessary who, unless employed under special contract, shall hold their offices during the pleasure of the trustees; but no trustee shall receive compensation as such. The president or chief executive officer of an association library corporation shall be elected by the trustees from their own number and shall be the chairman of the board * * * [L.1921, c 385, s 1]

(2) TRUSTS FOR PARKS AND LIBRARIES IN VILLAGES AND TOWNS

(McKinney's Consol. Laws of New York, v 23 [General Municipal Law], 1917, p 107-110, s 141-143, 145, *Ibid* 1941 Suppl. p 98, 99, s 140, 144)

General Municipal Law Sec. 140 Trust for public parks, playgrounds and libraries. It shall be lawful to grant and devise real estate, and to give and bequeath personal property to trustees and their successors in trust, for the purpose of creating, continuing and maintaining, according to the terms, conditions and provisions of such grant, gift, devise or bequest, one or more public parks, or public playgrounds, or a public library, or for the purpose of aiding and instructing children, or for any one or more of such purposes, in any city, village or town of this state. The number of such trustees shall not be less than three nor more than nine [L. 1928, ch 435, s.1]

Sec. 141 Trustees a corporation. Whenever any grant, gift, devise or bequest shall have been made, under the provisions of this article, such trustees shall thereupon become and be a body politic and corporate with the name which shall have been specified by the donor in making the donation, and with the number of trustees, within the foregoing limits, named by the donor, and such corporation shall have full power to take and hold all property which shall have been and also which shall thereafter be granted, given, devised or bequeathed to it as aforesaid for said uses and purposes, and shall possess the powers and be subject to the provisions and restrictions contained in general corporation law. If no name shall have been specified by the donor as aforesaid, the name of the corporation shall be such as the said trustees shall adopt, certify and file in the county clerk's office of the county in which the interested city, village or town is located [L. 1910, ch 163]

Sec. 142 Eligibility of trustees. In case of the death of a trustee or of his resignation, removal from office, or inability to discharge the duties of his office, his place shall be deemed to be vacant, and may be filled by the remaining trustees, and, in default of them so making an appointment within three months, the appointment to fill the vacancy shall be made by the supreme court, on the petition of any inhabitant of the interested city,

village or town, and after due notice to the other trustees and to the mayor of the city, president of the village or supervisor of the town. Said trustees shall be subject to removal by said court for malfeasance or misfeasance in office, upon such notice and after trial in such manner as said court shall direct. [L 1910, ch.163]

Sec 143 Management and appropriation of property. Trustees created under the provisions of this article shall have the custody and management of all the property of such corporation, and shall appropriate the same, so far as the terms, provisions and conditions of the donations will permit, for the purpose of aiding and instructing children, or for providing suitable grounds for such a public park or parks and properly preparing, beautifying, embellishing and keeping up and maintaining the same, or for furnishing and supplying such library with a suitable and proper edifice, rooms, furniture, books, maps, magazines and whatever may be necessary to make, keep up and maintain a good and complete library, or for one or more of such purposes, and paying the expenses of the trust Demising lands donated to the corporation and investing and keeping money invested at interest, and using the rents and interest therefrom for aiding and instructing children or for park purposes or library purposes, shall be deemed to be an appropriation of such property for said purposes [L 1910, ch 163]

Sec 144 Parks, playgrounds and libraries to be free. All parks, playgrounds and libraries existing under this article shall be free and open to the public for use and enjoyment, subject only to such reasonable rules and regulations as the trustees from time to time shall adopt and promulgate. [L 1928, ch 435, s 2.]

Sec 145 Subject to visitation of supreme court. All corporations existing under this article, together with their books and vouchers, shall be subject to the visitation and inspection of the justices of the supreme court, or of any person or persons who shall be appointed by the supreme court for that purpose, and it shall be the duty of the trustees or a majority of them, in the month of December in each year, to make and file in the office of the county clerk of the county in which the interested city, village or town is situate, a certificate under their hands, stating the names of the trustees and officers of such corporation, with an inventory of the property, effects and liabilities thereof, with an affidavit of the truth of such inventory and certificate Said trustees shall be entitled to such compensation as said court shall fix Said court shall also have power to control the discretion of said trustees in determining what property may be demised and for how long; also how much money may be invested and kept invested on interest to produce an income for the purpose of aiding and instructing children or to keep up and maintain the parks or libraries, or either of such purposes, and also in a summary way to determine the reasonableness of any rules and regulations, upon complaint of any inhabitant of the interested city, village or town, and upon notice to said trustees. [L 1910, ch.163.]

G. SCHOOL LIBRARIES

(McKinney's Consol. Laws of New York, v 16 [Education Law], 1938, p 814-815, 156, 225, 265, 587, 600, 612, 679, 766, s.1135-1141, 206, 275, 310, 868, 870, 890, 1100, *Ibid* 1941 Suppl p 79, s 872)

Education Law. Sec. 1135. Use and care of school library. The school library shall be a part of the school equipment and shall be kept in the school building at all times. Such library shall be devoted to the exclusive use of the school except as otherwise provided by the rules of the commissioner of education and except in a district where there is no free library, in which case such school library shall be a circulating library for the use of the residents of the district

The commissioner of education shall prescribe rules regulating

(1) The purchase, recording, safekeeping and loaning of books in school libraries, and the use of such books by pupils and teachers in the public schools.

(2) The conditions under which books in a school library may be used by the public in a district in which a free library is situated.

(3) The management of school libraries and their use as circulating libraries by the residents of the districts in which they are situated.

(4) The contents and submission of reports of school librarians, teachers and other school authorities as to school libraries [L 1921, ch.385, s.20]

Sec. 1135-a Librarians of school libraries. In a city or a union free school district maintaining an academic department or high school the board of education may employ, and fix the compensation of, a person to act as school librarian who may be engaged for all or a part of the time in performance of the duties of the position as may be directed by the said board. The person so employed may be the librarian of the free library If possessed of the qualifications prescribed by the commissioner of education a teacher's quota shall be apportioned to such city or union free school district on account of the employment of such librarian In all other districts the trustees or board of education may appoint a competent person to act as librarian. In case of a failure of a city or union free school district maintaining an academic department or high school to employ a librarian as above provided, the teacher of English in such school shall be the librarian. In case of a failure to appoint a librarian in any other district the teacher, or if there be more than one teacher the principal teacher, shall act as librarian. The trustees or board of education shall report to the commissioner of education the name and address of the person employed or appointed as librarian. [L. 1921, ch 385, s 21]

Sec. 1136. Existing rules continued in force. All existing provisions of law and rules established by the commissioner of education for the management of public school libraries shall hold good as to the management of such school libraries till altered by or in pursuance of law [L 1921, ch.385, s.22]

Sec. 1137. Authority to raise and receive money for school library. Each city and school district in the state is hereby authorized to raise moneys by tax in the same manner as other school moneys are raised, or to receive moneys by gift or devise, for starting, extending or caring for the school library. [Ed L 1909, s.1047.]

Sec 1138 Authority to transfer school library property to a free library. The board of education in any city or union free school district or the electors of any other district, by legal vote duly approved by the regents may give to any free library any of the books or other public school library property not required in such school library, provided such free library is registered by the regents and situated in such city or district, and the school authorities or body making the transfer shall thereafter be relieved of all responsibility pertaining to the property so transferred [L 1921, ch 385, s 23]

Sec 1141 Penalty for disobedience to library law, rules for orders. The commissioner of education is hereby authorized to withhold its share of public school moneys from any city or district which uses school library moneys for any other purpose than that for which they are provided, or for any wilful neglect or disobedience of the law or the rules or orders of said commissioner in the premises [Ed L 1909, s 1051]

Sec 206 Powers of voters. The inhabitants entitled to vote, when duly assembled in any district meeting, shall have power, by a majority of the votes of those present * * *

10 To vote a tax for the establishment of a school library and the maintenance thereof, or for the support of any school library already owned by said district, and for the purchase of books therefor, and such sum as they may deem necessary for the purchase of a book-case * * *

Sec 275 Powers and duties of trustees. It shall be the duty of the trustees of a school district, and they shall have the power * * *

7. To insure the school library in such a company in a sum fixed by a district meeting, and to raise the premium by a district tax, and comply with the conditions of the policy. * * *

Sec 310 Powers and duties of boards of education. The said board of education of every union free school district shall have power, and it shall be their duty: * * *

8. To insure the school-houses and their furniture, apparatus and appurtenances, and the school library, in some company created by or under the laws of this state, or in some insurance company authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise the sums paid for premiums by district tax. * * *

14 To appoint such librarians as they may from time to time deem necessary. * * * [From Education Law of 1909, s 229.]

Sec 868 Powers and duties of board of education. Subject to the pro-

visions of this chapter, the board of education in a city shall have the power and it shall be its duty * * *

6. To establish and maintain libraries which may be open to the public, to organize and maintain public lecture courses, and to establish and equip playgrounds, recreation centers, social centers, and reading rooms from such funds as the education law or other statutes authorize and the state appropriates for such purposes, and from such other funds as may be provided therefor from local taxation or other sources * * * [L 1917, c.786, s 1.]

Sec 870. Powers and duties of superintendent of schools. The superintendent of schools of a city shall possess, subject to the by-laws of the board of education, the following powers and be charged with the following duties. * * *

5 To have supervision and direction over the enforcement and observance of the courses of study, the examination and promotion of pupils, and over all other matters pertaining to playgrounds, medical inspection, recreation and social center work, libraries, lectures and all the other educational activities and interests under the management, direction and control of the board of education, but in a city having a board of superintendents rules and regulations for the promotion and graduation of pupils shall be made by such board.

6 To issue such licenses to teachers, principals, directors, school psychiatrists, school psychologist, school medical inspectors, school aurists, school psychiatric social workers, school social case workers, research assistants, teacher-clerks, school clerks, clerical assistants, industrial or trade helpers in vocational schools, school librarians, laboratory assistants, placement and investigation assistants, financial assistants, machine shop assistants, tool boys, and other members of the teaching and supervising staff as may be required under the by-laws and regulations of the board of education in cities in which such board requires its teachers to hold qualifications in addition to or in advance of the minimum qualifications required under this chapter. In a city having a board of examiners, such licenses shall be issued on the recommendation of such board. All such licenses issued prior to the first day of December, nineteen hundred thirty-four and all appointments made or hereafter made pursuant to such licenses are hereby authorized and validated against any statutory provision, omission, or irregularity, provided the examination for such license was conducted by the board of examiners in accordance with the by-laws and regulations of the board of education notwithstanding the invalidity of any such by-laws and regulations [L 1935, c 195, s 1]

Sec 872 Appointment of district or other superintendents, teachers and other employees; their salaries, et cetera. * * *

5 In a city having a population of one million or more, recommendations for appointment to the teaching and supervising service, except for the position of superintendent of schools, associate superintendent or dis-

strict superintendent, or director of a special branch, principal of or teacher in a training school, or principal of a high school, shall be from the first three persons on appropriate eligible lists prepared by the board of examiners. * * *. Eligible lists in force at the time this act takes effect and the relative standing of persons whose names are on said lists shall not be affected by the passage of this act. The board of education, on the recommendation of the superintendent of schools, and in a city having a board of superintendents on the recommendation of such board, shall designate, subject to the other provisions of this chapter, the kind and grades of licenses which shall be required for service as principal, branch principal, director, supervisor or teacher of a special branch, head of department, assistant, school psychiatrist, school psychologist, school medical inspector, school aurist, school psychiatric social worker, school social case worker, research assistant, teacher-clerk, school clerks, clerical assistant, industrial or trade helper in vocational schools, school librarian, laboratory assistant, placement and investigation assistant, financial assistant, machine shop assistant, tool boy, or any other position of the teaching staff together with the academic and professional qualifications required for each kind or grade of license. No person required to have a license under the provisions of this chapter in order to be employed in a position who does not have such license shall have any claim for salary * * * [Amended L. 1939, c.758.]

Sec. 890 Appeals or petitions to commissioner of education and other proceedings. Any person conceiving himself aggrieved may appeal or petition to the commissioner of education who is hereby authorized and required to examine and decide the same; and the commissioner of education may also institute such proceedings as are authorized under this act and his decision in such appeals, petitions or proceedings shall be final and conclusive, and not subject to question or review in any place or court whatever. Such appeal or petition may be made in consequence of any action: * * *

5 By any trustees of any school library concerning such library, or the books therein, or the use of such books;

6 By any district meeting in relation to the library or any other matter pertaining to the affairs of the district * * *

Sec. 1100. Definitions. The following words and phrases used in this article shall have the following meanings unless a different meaning is plainly required by the context: * * *

(4) "Teacher" shall mean any regular teacher, special teacher, including any school librarian or physical training teacher, principal, vice-principal, supervisor, supervisory principal, director, superintendent, city superintendent, assistant city superintendent, district superintendent, school commissioner and other member of the teaching or professional staff of any class, public school, vocational school, truant reformatory school or parental school and of any or all classes of schools within the state of New York,

including schools on the Indian reservation, conducted under the order and superintendence of and wholly or partly at the expense of the New York state education department or of a duly elected board of education, board of school directors or board of trustees of the state or of any city or school district thereof, provided that no person shall be deemed a teacher within the meaning of this article who is not so employed for full time outside vacation periods. The word, "teacher," shall also include any person employed in the state education department who at the time he entered such employment, or within one year prior thereto, was a teacher within the foregoing definition, or who is engaged in such department in the performance of duties pertaining to instructional services. In all cases of doubt, the retirement board shall determine whether any person is a teacher as defined in this article. * * * [L. 1920, c 503]

H. LAW LIBRARIES

(McKinney's Consol. Laws of New York, v 16 [Education Law], 1938, p 829-856, s 1160-1184c, *Ibid* 1941 Suppl. p 109-113, s 1160, 1163, 1163a, 1164, 1177, 1180d, 1180e, 1181, 1184, *Ibid* 1940 Suppl. v 29 [Judiciary Law], p 180, 253, 269, 296, 300, s 114, 265, 267, 352, 367)

I. SALARIES OF LIBRARY EMPLOYEES

(1) STATE EMPLOYEES

(McKinney's Consol. Laws of New York, v 9 [Civil Service Law], 1940, p 239, s 40 [2], [7])

Civil Service Law Sec 40 **Grades.** The annual salaries of all positions, other than temporary, part-time or seasonal positions, in the competitive and non-competitive classes of the classified service of the state of New York, except the civil divisions thereof and except those positions the salaries of which are otherwise fixed by statute, shall be at the following rates
* * *

* * * * *

2 Sub-professional service The sub-professional service shall include
* * * library assistants, * * *

* * * * *

7. Professional service The professional service shall include positions requiring training in * * * library administration and supervision, * * * .

* * * * *

[Added L. 1937, c 859, s 7, amended L. 1938, c 361]

(2) HIGH SCHOOLS AND TRAINING SCHOOLS

(McKinney's Consol. Laws of New York, v 16 [Education Law], 1938, p 662, s 883, schedule B-3)

Education Law Sec 883 **Salaries in cities of the first class having a population of one million or over.** The schedules adopted by the board of education, in a city of one million inhabitants or more, shall not discrim-

mate between the salaries and salary increments of members of the teaching staff in such schools because of the sex of said members notwithstanding any provision of the charter of such city inconsistent herewith. On and after August first, nineteen hundred and twenty, such salaries and increments shall be not less than those prescribed in the following schedules:

Schedule B-3 Clerical, laboratory, library and placement and investigation assistants First year, one thousand five hundred dollars, annual increment, one hundred dollars; number of annual increments, twelve. [Amended by L. 1923, c 718, s.1, in effect May 24, 1923]

(3) COLLEGES

(McKinney's Consol Laws of New York, v 16 [Education Law], 1938, p 664, 665, s 883, schedules c-3, c-10)

Sec 883 **Salaries in cities of the first class having a population of one million or over.** The schedules adopted by the board of education, in a city of one million inhabitants or more, shall not discriminate between the salaries and salary increments of members of the teaching staff in such schools because of the sex of said members notwithstanding any provision of the charter of such city inconsistent herewith. On and after August first, nineteen hundred and twenty, such salaries and increments shall be not less than those prescribed in the following schedules * * *

On and after the first day of June, nineteen hundred and twenty-one, the compensation and salaries of officers of administration and instruction and other employees of any public institution of higher learning, conferring degrees and subject to the provisions of this law relative to colleges, and in which the compensation and salaries of such persons are paid directly or indirectly out of moneys appropriated by the board of estimate and apportionment or like financial authority of such city of one million inhabitants or more, shall not be less than those prescribed in the following schedules. * * *

Schedule C-3 Clerical, library, laboratory and investigation assistants: minimum of one thousand four hundred dollars per annum and maximum of two thousand four hundred dollars per annum * * *

Schedule C-10 Dean of a faculty, librarian, and secretary of a faculty: minimum of two hundred dollars per annum and maximum of five hundred dollars per annum in addition to the salaries of their instructional ranks [This section, as added by L. 1919, c 645, s 1, was amended by L. 1920, c 680, s 1]

J. PROTECTION OF LIBRARY PROPERTY

(McKinney's Consol Laws of New York, v 39 [Penal Law], 1938, p 691, 752-753, s 1308, 1427, 1428)

Penal Law Sec 1308 **Buying, receiving, concealing or withholding stolen or wrongfully acquired property** A person who buys or receives any property knowing the same to have been stolen or obtained in any way under circumstances which constitute larceny or who conceals, withholds,

or aids in concealing or withholding any property, knowing the same to have been stolen, or appropriated wrongfully in such a manner as to constitute larceny under the provisions of this article, if such misappropriation has been committed within the state, whether such property were so stolen or misappropriated within or without the state, * * * or who being a dealer in or collector of second hand books or other literary material, or the agent, employee or representative of such dealer, or collector, buys or receives any book, manuscript, map, chart, or other work of literature, belonging to, or bearing any mark or indicia of ownership by a public or incorporated library, college or university * * * without ascertaining by diligent inquiry, that the person selling or delivering the same has a legal right to do so, is guilty of a felony, and is punishable by imprisonment for not more than ten years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. * * * [Amd. L. 1940, ch 443]

Sec. 1427. Removal of books and works of art from library; wilful injury to works of art, ornamental trees or other improvements. Any person who:

(1) Removes or assists in removing any book, manuscript, map, print, coin, medal, printing or other literary article or work of art from the library building of any reference library company, except for its preservation or repair or for the purpose of its deposit in some other building of the company, or, being a trustee or officer of such company, consents to the removal thereof, or, upon such removal refuses to permit the same to be restored, * * * is guilty of a misdemeanor. [L 1892, ch 692, s 1]

Sec 1428. Wilful or malicious injury to certain articles in libraries, galleries, museums or exhibitions A person who wilfully or maliciously cuts, tears, defaces, disfigures, soils, obliterates, breaks or destroys, a book, map, chart, picture, engraving, statue, coin, medal, apparatus, specimen, or other work of literature or object of art, or curiosity, deposited in a public library, gallery, museum, collection, fair, or exhibition, or in a library, gallery, museum, collection or exhibition belonging to any incorporated college or university, or to any other incorporated institution devoted to educational, scientific, literary, artistic, historical or charitable purposes, is punishable by imprisonment for not more than one year, or by a fine of not more than one hundred dollars, or by both such fine and imprisonment [L 1927, ch 542]

K. TAX EXEMPTIONS

(McKinney's Consol Laws of New York, v 59 [Tax Law], 1937, p 30, s 4 (6), 221)

L. MISCELLANEOUS PROVISIONS

(1) UNIVERSITY OF THE STATE OF NEW YORK

(McKinney's Consol Laws of New York, v.16 [Education Law], 1938, p 29, s 57)

Education Law. Sec 57. Institutions in the university. The institutions

of the university shall include as secondary and higher educational institutions which are now or may hereafter be incorporated in this state, and such other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted to or incorporated by the university. The regents may exclude from such membership any institution failing to comply with law or with any rule of the university. [Education Law of 1909, s. 1095.]

(2) STATE COLLEGE OF FORESTRY AT SYRACUSE

(McKinney's Consol. Laws of New York, v 16 [Education Law], 1938, p 754, s 1054)

Education Law. Sec 1054 **Powers and duties of board of trustees.** The board of trustees of such college shall have the general care, supervision and control thereof, of its officers and its activities, and to carry out its objects and purposes shall have the power, except as otherwise provided in this article * * *

5 To establish and conduct an experimental station to be known as "Roosevelt wild life forest experiment station," in which there shall be maintained records of the results of the experiments and investigations made and research work accomplished; also a library of works, publications, papers and data having to do with wild life, together with means for practical illustration and demonstration, which library shall, at all reasonable hours, be open to the public * * * [L. 1927, c 153, s 26, M C L. 1938, v 16, p 754, s 1054]

(3) COLLEGE OF THE CITY OF NEW YORK

(McKinney's Consol. Laws of New York, v 16 [Education Law], 1941 Suppl. p 108, s 1147)

Education Law Sec. 1147 **The City College of the City of New York; library and museum; free public lectures; books (rooms) for teachers' meetings.** The library and museum belonging to the City College of the City of New York may be opened to the public on such days, at such hours, and under such reasonable rules, regulations and restrictions as the board of higher education from time to time shall prescribe. Such board of higher education is hereby authorized and empowered to give or cause to be given free public lectures on literary and scientific subjects in such library and museum or in such other room or rooms in the buildings of the college as the board from time to time may designate for the purpose. Such board of higher education is hereby empowered to make all necessary and proper rules and regulations as to subject, time and place of such lectures. The board from time to time may also provide, set apart and designate rooms in such buildings to be used under such regulations as it may prescribe for meetings of the teachers of the public schools in such city and of scientific and literary societies. [1939 c 661, 1941, Suppl. v.16, p 108, s.1147.]

(4) STATE AID TO LIBRARIES

(McKinney's Consol Laws of New York, v 2 [Constitution], 1939, p 1074, s 3)

Constitution Sec. 3 Common school; literature and the United States deposit funds. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate and the revenue of the said funds shall be applied to the support of common schools and libraries [Formerly s 3 of Art 9 Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938]

(5) DEPARTMENT OF CORRECTION LIBRARY

(McKinney's Consol Laws of New York, v 18 [Executive Law], 1941 Suppl p 49, s 117, v 10b [Correction Law], 1929, p 24, s 20)

Executive Law Sec. 117. Executive director; other employees; salaries; qualifications. The board of parole, with the approval of the governor, shall appoint an executive director who shall be the administrative officer for the board and devote his whole time and capacity to the duties of his office * * * With the approval of the board, he shall establish and maintain within the appropriations made therefor, a library at the central office containing the leading books on parole and methods of influencing human conduct, together with reports and other documents on correlated topics of criminology and social work [Amended by Laws 1931, 649]

Correction Law Sec 20 Library. A library shall be provided in the department of correction containing the leading books on parole, probation and other correctional activities, together with reports and other correlated topics of criminology and social work [Added by L. 1929, ch 243, s 4]

(6) LIBRARIES FOR STATE HOSPITALS

(McKinney's Consol Laws of New York, v 34a [Mental Hygiene Law], 1927, p 46, s 37)

Mental Hygiene Law Sec 37. Quarterly estimates of expenditures; emergency fund. * * * Libraries may be furnished to any state hospital by the education department, subject to regulations adopted by the regents and the commissioner, the expense of which shall be included in the quarterly estimates of the institutions [Amended by L. 1924, ch 550, s 17]

(7) STATE EMPLOYEES RETIREMENT SYSTEM

(McKinney's Consol Laws of New York, v 9 [Civil Service Law], 1938, p 259, s 50 [8], see also other provisions of this article governing the retirement system)

Civil Service Law. Sec. 50 Definitions. The following words and phrases used in this article shall have the following meanings unless a different meaning is plainly required by the context . * * *

8. State service shall mean service, whether appointive or elective, as an official, clerk, or employee of the state of New York, service as a delegate or

employee of the convention to revise and amend the constitution of the state in year nineteen hundred thirty-eight and service as an official, clerk or employee of a municipality participating in the system including service rendered to a village now a city and, including service as teacher in the public schools of the state of New York, however paid, provided contributions were made to a local system absorbed by the state teachers' retirement system and not returned to said contributor, and teaching service in an institution for the instruction of the deaf and dumb and the blind, receiving state pupils whose instruction and support are paid for by the state or a participating municipality, and library service, member service to date from July first, nineteen hundred and twenty-two, so far as and to the extent only that such service is paid from appropriations made by a participating municipality, and service rendered to a municipal corporation, board, flood-water regulating district or commission so far as such service is wholly paid from appropriations made by a participating municipality or municipalities, and any other branch of service and any former city or county institution now a state institution, so far as such service is paid for by the state of New York or by any such institution, except service on or after the first day of January, nineteen hundred and twenty-one, while such employee is, or may be, entitled to benefit by existing laws providing for pensions or annuities for civil service employees wholly or partly at the expense of the state of New York or of any political subdivision thereof [Amended by L. 1921, c 365, s 1.]

NORTH CAROLINA

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A. STATE LIBRARY

(North Carolina Code of 1939, p 2326, 2327, s 6573-6587)

Sec 6573 **Location.** The library shall occupy the rooms set apart for it in the state administration building [Rev , s 1885, c 121, s 7, 1913, c. 99, s 1]

Sec. 6574 **Trustees; duties and powers.** The governor, superintendent of public instruction, and secretary of state, and their respective successors in office, are appointed trustees of the state and document libraries. The board of trustees shall make rules and regulations by which the librarian shall be governed for the protection and preservation of the books and library; and may make such distribution of the books, reports, and publications belonging to the state as in the judgment of the board is advisable and proper [Rev , s 5069, Code, s 3612, 1871-2, c 169, s 3, 1903, cc 104, 133]

Sec. 6575. **Librarian's seal; certified copies of documents as evidence.** It shall be the duty of the secretary of state to furnish the state librarian with a seal of office. The state librarian is authorized to certify to the authenticity and genuineness of any document, paper, or extract from any document, paper, or book or other writing which may be on file in his office. When the certificate is made under his hand and attested by his official seal, it shall be received as prima facie evidence of the correctness of the matters therein contained, and as such shall receive full faith and credit [Rev., s. 5070, 1905, c.537]

Sec 6576 **Records procured and published.** The trustees of the state library are directed to procure such of the records of this state, or copies of the same, or of other unpublished material illustrative of the history of the

state down to January first, one thousand seven hundred and ninety-one, as may be missing from the archives of the state, and to publish the same in such number of volumes of suitable size as they may deem proper. The trustees of the state library shall cause an index of these records, from the first volume of the colonial records down to January first, one thousand seven hundred and ninety-one, to be prepared and printed in the volume which shall embrace the year one thousand seven hundred and eighty-nine, and in case the library fund shall prove to be insufficient to meet the expenses incurred in carrying out the provisions of this section, the auditor is directed to draw his warrant for such sums as the trustees aforesaid shall certify to him to be needed in said work [Rev., s.5071; Code, ss.3609, 3610; 1881, c.88; 1883, pub. res., p.619, 1895, c.464; 1901, c.632.]

Sec. 6577 Trustees may sell publications. The trustees of the state library are authorized to sell, on such terms as they may deem proper, any volume printed under the provisions of this chapter that may not be reserved for the use of the public libraries. [Rev., s 5072; Code, s.3611; 1881, c.88, s.2.]

Sec. 6578 Colonial records sent to certain states. The board of trustees are requested to have forwarded the colonial records of North Carolina to such states as may hereafter supply similar documents to this state. [Rev., s 5073; 1893, pub. res., p.489]

Sec. 6579 Governor to designate documents to be preserved; books bound and labeled. The governor shall designate such portions of the documents, journals, and acts of congress of the United States as he may deem proper to be preserved in the library; may designate which of them are to be bound, of such pamphlets, acts, and journals of the general assembly, and works of periodical literature, laws of other states, and documents of the general assembly that may be added to the library, and the librarian shall have them bound. And all the books belonging to the library, or which may be added thereto, shall be labeled in gilt letters with the words "State Library" [Rev., s 5074; Code, s.3614, R.C., c.92, s.4; 1840, c.46, s.6; 1842, c.68, s.3]

Sec. 6580 Penalty for injury to books. Any person who shall damage, deface, or mutilate any book which he may be allowed to withdraw from the library or who shall return any book so damaged, defaced, or mutilated while in his possession, shall forfeit and pay the full amount of the damage, which amount shall be determined by the librarian, but in no case to exceed double the value of the book; and the penalties and forfeitures accruing under this section shall be sued for and recovered by the librarian in the name of the state, before any justice of the peace, and shall be added to the fund for the increase of the library [Rev., s.5075; Code, s.3615; R.C., c.92, s.5; 1842, c.68, s.1.]

Sec. 6581. Committee to purchase books. The state librarian, superintendent of public instruction, together with three other persons to be se-

lected by the trustees, shall constitute a committee to purchase books for the state library, and they are to serve without compensation in the matter of selecting and buying books. [Rev., s.5076; 1901, c 503, s 3]

Sec. 6582. Librarian; election and bond. A librarian shall be elected quadrennially by the trustees of the state library, and shall give bond with security in such sum as the trustees may determine, payable to the state of North Carolina, conditioned for the safe-keeping of the books and the faithful discharge of his duties, and he shall hold his place till his successor shall be appointed and qualified. [Rev., s 5077, Code s.3604, 1870-1, c 70, s 1, 1883, c 216, s.1, 1895, c 351, 1903, c 727]

Sec. 6583. Assistant librarian. The state librarian is authorized to employ an assistant in his office [Rev., s 5078; 1901, c 503, s 1]

Sec. 6584. Librarian to receipt for laws of other states The state librarian is directed to keep a record of the published laws, reports, documents, etc., received from other states and territories by exchange for like documents from this state, to receipt for the same and to distribute them to the different departments to which they belong immediately on receipt. All states and territories exchanging such documents with this state are requested to forward all documents direct to the state librarian. [Rev., s 5079, 1889, c.535]

Sec. 6585 Separate reading room for colored people The State librarian is directed to fit up and maintain a separate place for the use of colored people who may come to the library for the purpose of reading books or periodicals. [Rev., s 5080; 1901, c 503, s 2]

Sec. 6586 Open hours for library. The library shall be kept open during the day for such time as the trustees may prescribe; and from seven to nine o'clock each evening, if the necessary expense of keeping the same open be voluntarily paid by the citizens of the city of Raleigh. [Rev., s 5082, code, s.3605; 1870-1871, c 70, s 2; 1881, c 352, 1819, pub. res., p.530]

Sec. 6587 (a) Members of state boards and commissions to use books. Any member of a State board or commission residing in Raleigh shall be allowed the privilege of borrowing from the State Library, material, books or other publications, except reference books, and enjoy the same privileges in respect thereto as is allowed State officials. [1925, c 115.]

B. STATE LAW LIBRARY

(North Carolina Code of 1939, p 2327-2328, s 6588-6591.)

Sec. 6588 Location. The law library shall occupy the rooms set apart for it in the state administration building. [Rev., s 5083; 1885, c 121, s 7; 1913, c.99, s.1.]

Sec. 6589 Trustees; powers and duties. The justices of the supreme court are appointed trustees of the law library, and all moneys appropriated for its increase shall be paid out under their direction and supervision. They

shall have charge of the law library and may, in their discretion, employ a librarian, who shall perform his duties under such rules and regulations as they may prescribe [Rev , s 5084, Code, s.3606, 1883, c 100, ss.1,2; 1889, c 482]

Sec 6590. **Open hours for library.** The librarian of the law library shall keep it open during such hours as the trustees may prescribe; and he shall, upon application, admit attorneys to the library at night while they are in attendance upon the supreme court [Rev , s 5085, 1889, c.482.]

Sec 6591 **Appropriation.** The clerk of the supreme court, under the direction of the justices of that court, is authorized and directed to expend annually the amount paid in by applicants for license to practice law, who are examined by the court, in the purchase of such books as may be necessary to keep the law library well appointed, and no other appropriation shall be allowed for that purpose [Rev , s 5086; Code, s 3613, res., 1872-3; 1925, c 275, s.6]

C SUPREME COURT LIBRARY

(North Carolina Code of 1939, p 657, 1552, 2935, s 1428, 3888 [1]; Appx VII, part I, s 41, [1] [2])

Sec 1428 **Librarian and assistant appointed.** The justices of the supreme court have charge of the law library and may, in their discretion employ a librarian and an assistant librarian, who shall perform their duties under such rules and regulations as may be prescribed by the court [1937, c 173]

Sec. 3888 (1) **Marshal and librarian of supreme court.** The compensation of the marshal and librarian of the supreme court of North Carolina shall be fixed by the supreme court, with the approval of the governor [1939, c.4]

Sec 41 (1) **Librarian; report by him.** The Librarian shall keep a correct catalogue of all books, periodicals, and pamphlets in the Library of the Supreme Court, and report to the Court on the first day of the Spring Term of each year what books have been added to the Library during the year next preceding his report, by purchase or otherwise, and also what books have been lost or disposed of, and in what manner

Sec. 41. (2) **Librarian; books taken out.** No book belonging to the Supreme Court Library shall be taken therefrom, except in the Supreme Court chamber, unless by the Justices of the Court, the Governor, the Attorney-General, or the head of some department of the executive branch of the State Government, without the special permission of the Marshal of the Court, and then only upon the application in writing of a judge of a Superior Court holding court or hearing some matter in the city of Raleigh, the President of the Senate, the Speaker of the House of Representatives or the Chairman of the several committees of the General Assembly; and in such cases the Marshal shall enter in a book kept for the purpose the name

of the officer requiring the same, the name and number of the volume taken, when taken, and when returned.

D. DOCUMENT LIBRARY

(North Carolina Code of 1939, p 2328, s 6592-6596)

Sec. 6592. Location. The document library shall occupy the rooms in the capitol formerly occupied by the superintendent of public instruction and the state library. [Rev., s 5087; 1887, c.258, s.1.]

Sec. 6593. Librarian. The librarian of the state library shall be the custodian of the document library. [Rev., s 5088; 1887, c.258, s 3]

Sec. 6594. Assistant librarian. The librarian is authorized to employ an assistant in the document library during the sessions of the general assembly at a cost not exceeding one dollar per day [Rev , s 5089, 1891, pub. res., p.652.]

Sec. 6595. Librarian to procure books. It shall be the duty of the librarian to procure two copies each of the laws and journals of the general assembly, which shall be furnished to him by the secretary of the state, and to arrange them on shelves in chronological order for the use of the two houses of the general assembly respectively [Rev., s 5090, 1887, c.258, s.2.]

Sec. 6596. Library open; when. The librarian shall keep the document library open during the sessions of the general assembly, in order that members may have access to records, and for use of committees of either house At all other times the doors shall be kept securely locked, but the librarian shall, upon application, admit persons who wish to examine any of the books and records therein. [Rev , s.5091 , 1891, pub res , p 652.]

E. LIBRARY COMMISSION OF NORTH CAROLINA

(North Carolina Code of 1939, p 2328-2329, s 6597-6604 [a].)

Sec. 6597. Commission established; members appointed. There is hereby created a library commission to be known as the Library Commission of North Carolina, which shall consist of the superintendent of public instruction, the state librarian, two other persons who shall be appointed by the North Carolina library association, and one other person who shall be appointed by the governor, all of whom shall serve without compensation. After the ninth day of March, one thousand nine hundred and nine, the governor shall appoint at once one person to serve one year and the North Carolina library association one person to serve two years and one person to serve three years; and as these terms expire, annually thereafter one person shall be appointed for three years by the governor and by the North Carolina library association, according to the vacancy to be filled. The library commission may accept resignations and fill vacancies for unexpired terms. The term of office of the members of the commission shall begin April first. [1909, c.873, s.1.]

Sec. 6598. Election of officers. The commission shall annually elect its own officers, who shall perform all the duties usually pertaining to such offices. [1909, c.873, s.2.]

Sec. 6599. Duties of commission; secretary employed. The commission shall give assistance, advice, and counsel to all libraries in the state, to all communities which may propose to establish libraries and to all persons interested, as to the best means of establishing and administering such libraries, as to the selection of books, cataloguing, maintenance, and other details of library management as may be practical. The commission may aid in organizing new libraries or in improving those already organized, and may establish and maintain traveling or other libraries, as may be practicable. The commission shall employ a secretary, not a member of the commission, who shall be a person trained in modern library methods, and who shall receive such compensation as the commission may decide, and who shall perform the usual duties of a secretary and such other duties as may be assigned by the commission, and who shall serve at the will of the commission. [1909, c.873, s.3.]

Sec. 6600. Public libraries to report to commission. Every public library in the state shall make an annual report to the commission, in such form as may be prescribed by the commission. The term "public library" shall, for the purpose of this article, include free public libraries, subscription libraries, school, college, and university libraries, Young Men's Christian Association, legal association, medical association, supreme court, and state libraries. [1909, c.873, s.4.]

Sec. 6601. Commission to report to general assembly. The commission shall make a biennial report to the governor, covering its work up to January first preceding each session of the general assembly. Five hundred copies of this report shall be published by the state printer, as other state official reports are published. [1909, c.873, s.5.]

Sec. 6602. Expenses of commission paid. No member of the commission shall ever receive any compensation for service as a member, but the actual traveling expenses of members in attendance at meetings of the commission or in visiting or establishing libraries and other incidental and necessary expenses connected with the work of the commission may be paid. [1909, c.873, s.6.]

Sec. 6603. Appropriation. There is annually appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of eight thousand dollars, to be paid to the treasurer of the commission for the use of the commission in carrying into effect the provisions of this article, and any balance not expended in any year may be used by the commission in any subsequent year. [1915, c.161; 1917, c.221.]

Sec. 6604. Offices provided. The board of public buildings and grounds may allow suitable offices and equipment in the capitol, the state library, or

other state buildings, for the use of the library commission. [1909, c 873, s.8.]

Sec 6604(a) Commission authorized to accept and administer funds from federal government and other agencies. The North Carolina library commission is hereby authorized and empowered to receive, accept and administer any money or moneys appropriated or granted to it, separate and apart from the general library commission fund, for providing and equalizing public library service in North Carolina

(1) By Federal Government, and

(2) By any other agencies, private and/or otherwise The fund herein provided for shall be administered by the governing board of the library commission of North Carolina under authority of actions six thousand five hundred ninety-seven, six thousand six hundred four, Consolidated Statutes of North Carolina, which body shall frame by-laws, rules and regulations for the allocation and administration of this fund This fund shall be used to increase, improve, stimulate and equalize library service to the people of the whole state, and shall be used for no other purpose whatsoever except as hereinafter provided, and shall be allocated among the counties of the state, taking into consideration local needs, area and population to be served, local interest as evidenced by local appropriations, and such other factors as may affect the state program of library service Any gift or grant from the federal government or other sources shall become a part of said fund, to be used as part of the state fund, or may be invested in such securities in which the state sinking fund may be invested as in the discretion of the governing board of the library commission of North Carolina may be deemed advisable, the income to be used for the promotion of libraries as aforesaid [137, c 206]

F. STATE AID FOR PUBLIC LIBRARIES

(1941 Supplement, North Carolina Code of 1939, p 167, s 6604 [b])

Sec 6604(b) State policy as to public library service; annual appropriation therefor; library service; administration of fund. 1 It is hereby declared the policy of the state to promote the establishment and development of public library service throughout all sections of the state

2. For promoting, aiding and equalizing public library service in North Carolina the sum of one hundred thousand (\$100,000 00) dollars, annually, shall be and is hereby appropriated out of the monies within the state treasury, not otherwise appropriated, which fund shall be known as the public library service fund

3 The fund herein provided shall be administered by the governing board of the North Carolina library commission, which body shall frame by-laws, rules and regulations for the allocation and administration of said fund The fund shall be used to improve, stimulate, increase and equalize public library service to the people of the whole state, and shall be used for

no other purpose, except as herein provided, and shall be allocated among the counties of the state taking into consideration local needs, area and population to be served, local interest and such other factors as may effect the state program of public library service.

4 For the necessary expenses of administration, allocation and supervision a sum not to exceed five per cent (5%) of the annual appropriation may annually be used by the North Carolina library commission

5 The fund appropriated under this act shall be separate and apart from the appropriation to the general library commission fund, which fund shall not be affected by this act or appropriation hereunder

6 The power herein granted shall be in addition to and not in subrogation of, or repeal of, any power or authority now or heretofore granted to the North Carolina library commission. [1941, c 93.]

G. PUBLIC LIBRARIES

(North Carolina Code of 1939, p 595, 1194-1196, s 1297 (42), 2694-2702 [b])

Sec 1297 **County commissioners; powers of board.** The boards of commissioners of the several counties have power—

42 To make appropriations for libraries—Together with the county board of education of any county in which there is a public, city or town library, in their discretion, to cooperate with the trustees of said library in extending the service of such library to the rural communities of the county, and to appropriate out of the funds under their control an amount sufficient to pay the expense of such library extension service [1917, c.149]

Sec 2694 **Libraries established upon petition and popular vote.** The governing body of any incorporated city or county, upon the petition of ten per cent of the registered voters thereof, shall submit the question of the establishment and/or support of a free public library to the voters at the next municipal election, the next general election, or at a special election If a majority of the qualified votes cast on said question be in the affirmative, the board of aldermen or town commissioners or board of county commissioners shall establish the library or reading room and levy and cause to be collected as other general taxes are collected a special tax of not more than ten cents or not less than three cents on the hundred dollars of the assessed value of the taxable property of such city, town or county The fund so derived shall constitute the library fund, and shall be kept separate from the other funds of the city, town or county to be expended exclusively upon such library. In lieu of establishing a library by vote of the people as above provided, the governing body of any city, town or county may establish such a library upon petition as above provided, and maintain the same by a special tax not less than that provided in this section When such library has been established by either method as above provided, it may be abolished only by a vote of the people. [1933, c.365, s.1.]

Sec. 2695 **Library trustees appointed.** For the government of such

library there shall be a board of trustees appointed by the governing body of the city or town or county, chosen from the citizens at large with reference to their fitness for such office, and not more than one member of the board of aldermen or town commissioners shall be at any one time a member of said board. Such trustees shall hold their office for six years from their appointment, and until their successors are appointed and qualified: Provided, that upon their first appointment under this article two members shall be appointed for two years, two for four years, and two for six years, and at all subsequent appointments, made every two years, two members shall be appointed for six years. All vacancies shall be immediately reported by the trustees to the governing body and be filled by appointment in like manner, and, if in an unexpired term, for the residue of the term only. The governing body may remove any trustee for incapacity, unfitness, misconduct, or for neglect of duty. No compensation shall be allowed any trustee [1927, c 31, s 2, c 172]

Sec. 2696. Powers and duties of trustees. Immediately after appointment, such board of trustees shall organize by election one of its members as president and one as secretary-treasurer, and such other officers as it may deem necessary. The secretary-treasurer before entering upon his duties shall give bond to the municipality in an amount fixed by the board of trustees, conditioned for the faithful discharge of his official duties. The board shall adopt such by-laws, rules and regulations for its own guidance and for the government of the library as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund, and of the supervision, care, and custody of the rooms or buildings constructed, leased, or set apart for library purposes. But all money received for such library shall be paid into the city treasury or county treasury, be credited to the library fund, be kept separate from other moneys, and be paid out to the secretary-treasurer upon the authenticated requisition of the board of trustees through its proper officers. With the consent of the governing body of the city or town or county, it may lease and occupy, or purchase, or erect upon ground secured through gift or purchase, an appropriate building: Provided, that of the income for any one year not more than one-half may be employed for the purpose of making such lease or purchase or for erecting such building. It may appoint a librarian, assistants, and other employees, and prescribe rules for their conduct, and fix their compensation, and shall also have power to remove such appointees: Provided, that after the ratification of this section no vacancies existing or occurring in the position of head librarian in such libraries shall be filled by appointment or designation of any person who is not in possession of a library certificate issued under the authority of this article. It may also extend the privileges and use of such library to nonresidents upon such terms and conditions as it may prescribe. [1933, c 365, s 2]

Sec. 2696(a). **Library certification board.** That the secretary of the North Carolina library commission, the librarian of the University of North Carolina, the president of the North Carolina library association and one librarian appointed by the executive board of the North Carolina library association shall constitute a library certification board who shall serve without pay and who shall issue librarian's certificates under reasonable rules and regulations to be promulgated by the board and a complete record of the transactions of said board shall be kept at all times. [1933, c.365, s.3.]

Sec. 2696(b). **Librarians now acting; temporary certificates.** The provisions of this article shall not be construed to affect any librarian at this time in his or her position. Such librarians as are now acting shall be entitled to receive a certificate in accordance with positions now held.

Upon the submission of satisfactory evidence that no qualified librarian is available for appointment, a temporary certificate, valid for one year, may be issued upon written application of the library board. Such certificate shall not be renewed or extended and shall not be valid beyond the date for which it is issued. [1933, c.365, s 3]

(Certification Requirements for Public Librarians of North Carolina Established under the Provisions of P.L. 1933, ch.365)

CERTIFICATION OF LIBRARIANS

Librarian's Professional Certification

- (a) **General education.** Completion of a four-year course in a four-year standard college or university, or its equivalent.
- (b) **Professional education.** One full year's work in an accredited library school with evidence of satisfactory completion.

OR

- (c) **General and professional education.** Four-year course of study in a four-year standard college or university, including one full year's work in an accredited library school with evidence of satisfactory completion.

LIBRARIAN'S CERTIFICATION

- (a) **General education.** Completion of at least two full years' work in a standard junior college, a four-year standard college, or university, or its equivalent.
- (b) **First grade librarian's certificate; technical education.** Not less than six semester hours in an accredited school with evidence.

VALIDITY

- (a) Cities or counties of more than 35,000 population in the library service area shall employ a person as head librarian who holds a librarian's professional certificate and who has rendered three

years of satisfactory library service. A head librarian of a branch library in cities or counties of more than 35,000 population in the library service area shall hold librarian's professional certificate and have rendered one year of satisfactory library service.

- (b) Cities or counties of less than 35,000 population in the library service area may employ as head librarian or head of a branch library a person who holds a librarian's professional certificate
- (c) Cities or counties of less than 15,000 population in the library service area may employ as head librarian or head of branch library a person who holds a first grade librarian's certificate and who has rendered one year of satisfactory library service.
- (d) Cities or counties of less than 6,000 population in the library service area may employ as librarian or head of a branch library a person who holds a second grade certificate
- (e) All certificates shall be valid for life.

Sec. 2697. Annual report of trustees. The board of trustees shall make an annual report to the governing body of the city, town or county, stating the condition of their trust, the various sums of money received from the library fund and all other sources, and how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out, and the general character of such books, the number of registered users of such library, with such other statistics, information and suggestions as it may deem of general interest [1933, c 365, s.4.]

Sec 2698 Power to take property by gift or devise. With the consent of the governing body of the city, town or county, expressed by ordinance or resolution, and within the limitations of this article as to the rate of taxation, the library board may accept any gift, grant, devise, or bequest made or offered by any person for library purposes, and may carry out the conditions of such donations. And the city, town or county in all cases is authorized to acquire a site, levy a tax, and pledge itself by ordinance or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted [1927, c 31, s 5]

Sec 2699 Title to property vested in the city, town or county All property given, granted, or conveyed, donated, devised or bequeathed to, or otherwise acquired by any city, town or county for a library shall vest in and be held in the name of such city, town or county and any conveyance, grant, donation, devise, bequest or gift to or in the name of any public library board shall be deemed to have been made directly to such city, town or county. [1933, c 365, s 5.]

Sec 2700. Library free. Every library established under this article shall be forever free to the use of inhabitants of the city, town or county, subject to such reasonable regulations as the board of trustees may adopt [1911, c.83, s.6.]

Sec. 2701. Ordinances for protection of library. The governing body of such city, town or county, shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, or for any injury to or for failure to return any book, plate, picture, engraving, map, magazine, pamphlet, or manuscript belonging to such library [1927, c 31, s.7.]

Sec. 2702. Contract with existing libraries. The governing body of any city, town or county, when deemed best for the interest of the city, town, or county, may in lieu of supporting and maintaining a public library, enter into a contract with and make annual appropriations of money to such library, associations or corporations as shall maintain a library or libraries, whose books shall be available without charge to the residents of such city, town or county, under such rules and regulations of said library, associations or corporations, as shall be approved by the governing body of such city, town or county All money paid to such society or corporation under such contract shall be expended solely for the maintenance of such library, and for no other purpose For the governing body of such library when contract has been made between city and county, the trustees shall be appointed proportionately to the funds provided for its support.

Nothing in this section shall be construed to abolish or abridge any power or duty conferred upon any public library established by virtue of any city or town charter or other special act, or to affect any existing local laws allowing or providing municipal aid to libraries [1933, c 365, s 6.]

Sec 2702(a) Detention of library property after notice. Whoever willfully or maliciously fails to return any book, newspaper, magazine, pamphlet or manuscript belonging to any public library to such library for fifteen days after mailing or delivery in person of notice in writing from the librarian of such library, given after the expiration of the time, which by regulation of such library such book, newspaper, magazine, pamphlet or manuscript may be kept, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than fifty dollars or imprisonment for not more than thirty days Provided, that the notice required by this section shall bear upon its face a copy of this section [1925, c.39, s 1]

Sec 2702(b) Combined counties. Where found to be more practicable, two or more adjacent counties may join for the purpose of establishing and maintaining a free public library under the terms and provisions herein above set forth for the establishment and maintenance of a free county library In such cases the combined counties shall have the same powers and be subject to the same liabilities as a single county under the provisions of this article The board of county commissioners of the counties which have combined for the establishment and maintenance of a free library shall operate jointly in the same manner as herein provided for the commissioners of a single county. Should any county at any time desire to

withdraw from such combination, the said county shall be entitled to such proportion of the property as may have been agreed upon in the terms of combination at the time such joint action was taken. [1933, c.365, s.7.]

H. SCHOOL LIBRARIES

(North Carolina Code of 1939, p.2110, 2096, s 5780 (131), 5754 (8).

Sec. 5780(131). Objects of expenditure. The appropriation of state funds as provided under the provisions of this subchapter, shall be used for meeting the costs of the operation of the public schools as determined by the state school commission for the following items:

4. **Auxiliary Agencies:**

b. **Libraries**

Sec. 5754 (8) Duties of commission. The state textbook commission is hereby authorized and empowered to administer funds and to establish rules and regulations necessary to:

(7) Buy, sell or rent library books to be placed in the public schools of this state from a list to be selected by the state superintendent of public instruction, with the approval of the state board of education, and to be placed in such schools as may be designated by the state textbook commission: Provided, that such library books shall be purchased in accordance with rules and regulations duly promulgated by the state board of education. [1939, s.90.]

I. PROTECTION OF LIBRARY PROPERTY

(North Carolina Code of 1939, p 1749, s 4511 [f])

Sec 4511(f) Theft or destruction of property of public libraries, museums, etc. Any person who shall steal or unlawfully take or detain, or wilfully or maliciously or wantonly write upon, cut, tear, deface, disfigure, soil, obliterate, break or destroy, or who shall sell or buy or receive, knowing the same to have been stolen, any book, document, newspaper, periodical, map, chart, picture, portrait, engraving, statue, coin, medal, apparatus, specimen or other work of literature or object of art or curiosity deposited in a public library, gallery, museum, collection, fair or exhibition, or in any department or office of state or local government, or in a library, gallery, museum, collection, or exhibition, belonging to any incorporated college or university, or any incorporated institution devoted to educational, scientific, literary, artistic, historical, or charitable purposes, shall, if the value of the property stolen, detained, sold, bought or received knowing same to have been stolen, or if the damage done by writing upon, cutting, tearing, defacing, disfiguring, soiling, obliterating, breaking or destroying any such property, shall not exceed twenty dollars (\$20 00), be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court. If the value of the property stolen, detained, sold or received knowing same to have been stolen, or the amount of damage

done in any of the ways or manners hereinabove set out, shall exceed the sum of twenty dollars (\$20.00), the person committing same shall be guilty of a felony, and shall upon conviction be punished in accordance with the laws applicable thereto. [1935. c.300.]

J. TAX EXEMPTIONS

(North Carolina Code of 1939, p 2721-2722 s 2971 (129) sub. 4, s 7971 (130)
sub. 2, 3.)

NORTH DAKOTA

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A. STATE LAW LIBRARY

(Comp Laws of North Dakota, 1913, Suppl 1913-1925, p 323-324, s 737a1-737a5, 737a7-737a8, Laws, 1931, p 209, ch 126)

Sec 737a1 **Appointment.** The judges of the supreme court shall appoint a person of known integrity, experienced and learned in law, who shall hold office during the pleasure of the judges and who shall be known as the supreme court reporter, the state law librarian and the legislative reference librarian, and who shall be generally known as the supreme court reporter [Laws, 1919, ch 211, s 1]

Sec 737a2 **Bond.** Such reporter shall give a bond to the state in the sum of two thousand dollars (\$2,000) in the state bonding fund, conditioned for the faithful performance of his official duties, the premium thereof shall be paid out of the fund hereinafter designated [Laws, 1919, ch 211, s 2]

Sec 737a4 **Same; as state law librarian.** Such reporter shall have the care and custody of the state law library, subject to the supervision and control of the supreme court and shall perform such duties in connection with the maintenance and operation of the same as the supreme court may by rule or regulation provide [Laws 1919, ch 211, s 4]

Sec 737a5 **Same; as legislative reference librarian.** Such reporter shall perform the duties of a legislative reference librarian and shall give information and assistance to the members of the legislative assembly in the work of legislation [Laws 1919, ch 211, s 5]

Sec 737a7 Such Supreme Court Reporter shall have power and authority subject to the direction and control of the Supreme Court and under the rules and regulations, as it may prescribe to sell and dispose of copies of such official reports at not less than the cost thereof to the public and to each county in this State, and it shall be the duty of every county in this State through its County Auditor to receive at least four copies of such

official report and to make payment of the same at the rate prescribed by the Supreme Court Reporter. It shall also be the duty of the Board of Administration to purchase and receive fifty copies of such official reports. The Board of Administration shall pay for the reports so received and purchased by it at the same rate paid by the different counties, and it shall cause the reports so purchased to be transmitted and delivered to the University of North Dakota for use of the library of the Law Department of such University. Likewise, such Reporter shall distribute such official reports to each Judge of the Supreme Court and each of the Judges of the District Court in this State, the United States Attorney for North Dakota and Attorney General for the State, the Librarian of Congress of the United States, the Librarian of the Supreme Court of the United States, the Attorney General of the United States and the Governor of this State, and shall further be empowered to make exchanges of such official reports for the official reports of the Courts of other States. All money received from the sale of such official reports shall be paid to such Reporter and shall be covered by him monthly into the State Treasury to be kept in a special fund to be known as the Supreme Court Reporter fund. All disbursements shall be made in connection with publication of such official reports and to such Fund shall be covered and kept the Legislative appropriation made for the printing, publication and distribution of such official reports. [Laws, 1931, p 209, ch 126]

Sec. 737a8 **Salary.** Such reporter and state law librarian shall receive such annual salary as shall be provided for in the general appropriation bill, and shall have an office in the state capitol. [Laws 1923, p 195.]

B. STATE LIBRARY COMMISSION

(Comp. laws of North Dakota, 1913, v 1, p 366-367, § 1530-1531, 1534-1537, ch 13, *Ibid* Suppl 1913-1925, p 425, § 1531, Laws, 1927, p 432)

Sec 1530 **Commission created.** There is hereby created a state public library commission consisting of five members. [1909, ch 156, s.1; 1907, ch 243, s 1]

Sec 1531 **What constitutes.** The state board of administration shall constitute the state library commission and be vested with the powers and charged with the duties conferred by law upon the state library commission. The state board of administration shall appoint an executive officer to be known as the secretary and director of the library commission, who shall receive such annual salary as shall be provided in the general appropriation bill. Such secretary shall have control of the work and shall be director of the library extension. [N D Laws, 127, p 432]

Sec. 1534 **Duties.** The state library commission on and after its creation and organization shall take over and add to the educational reference library and the system of traveling libraries, and shall continue the same, and as its funds permit, shall increase the number and usefulness of the

libraries. Any city, town, village, school district or community within the state of North Dakota may borrow books under the rules and regulations of the state library commission. The commission shall catalogue and otherwise prepare said books for circulation and shall make rules and regulations according to which the business of the commission shall be done; and also such rules and regulations as shall insure the care, preservation and safe return of all books loaned. [1919, ch 211, s 9]

Sec. 1535. Commission gives advice and aid. The librarian or trustees of any village, town or community, entitled to borrow books from said traveling libraries may, without charge, ask and receive advice and instruction from said library commission upon any matter pertaining to the organization, maintenance or administration of the libraries, and said commission shall, as far as possible, promote and assist by counsel and encouragement, the formation of libraries where none exist, and the commission may also send its members to aid in organizing new libraries or improving those already established [1909, ch 156, s 6]

Sec 1536. Statistics kept; published report. The state library commission shall keep statistics of the free public libraries of North Dakota and a record of the work done and books loaned by said commission, and shall make a full report to each general session of the legislature of all expenditures by the commission, and of such statistics and records as shall show the work done by the commission, the use made of the traveling libraries, and of all other matters which they deem expedient for the information of the legislature [1909, ch 156, s 7]

Sec. 1537. Offices provided. There shall be provided in the capitol building adequate office room, to be furnished in the same manner as other offices therein are furnished, for the state library commission with such suitable quarters as may be necessary for the proper shelving of the educational reference library, the books of the traveling libraries and the legislative reference collection [1909, ch 156, s 8]

C. STATE HISTORICAL SOCIETY

(Comp Laws of North Dakota, 1913, Suppl 1913-1925, p 212-213, 215, s 380, 381, 385b3 as amended by N D Laws, 1927, p 272, ch 164)

Sec. 380. State historical society; powers; ex-officio members of board; auditing board to audit all bills. State historical society of North Dakota shall be the trustee of this state, and as such shall faithfully expend and apply all money received from the state, to the uses and purposes directed by law, and shall hold all its present and future collections and property for the state, and shall not sell, mortgage, transfer or dispose of it in any manner, or remove from the historical rooms in the capitol at Bismarck, any article therein without authority of law; provided, this article shall not prevent the sale or exchange of any duplicates that the society may have or obtain; and provided, that the secretary of the said society shall

have power to withdraw for temporary use such of the collections as shall be needed for the compilation and editing of the publications of this society, and that such of the collections as may be needed for exhibition purposes may be withdrawn for that purpose by the authority of the board of directors; and provided further that books and collections may be withdrawn temporarily from the library and museums under such rules as the directors may prescribe. The governor, auditor, secretary of state, commissioner of agriculture and labor, and superintendent of public instruction, shall be ex-officio members of the board of directors of said society, and shall take care that the interests of the state are protected. All bills or claims against the state arising by reason of expenditure authorized by the society for the purposes provided by law, shall be examined and audited by the state auditing board in the same manner as other claims are examined, audited, allowed or rejected, and the state auditing board shall protect the interests of the state in the matter of claims or bills presented against it, contracted under the provisions of this article [Laws 1915, ch.169, s 1.]

Sec. 381. Duties. It shall be the duty of the society, subject to the supervision of the auditing board, as hereinbefore provided:

1. To collect books, maps, charts and other papers and materials illustrative of the history of this state in particular and of the west generally.

2. To obtain from the early pioneers narratives of their exploits, perils and adventures.

3. To procure facts and statements relative to the history, progress and decay of our Indian tribes so as to exhibit faithfully the antiquities and the past and present resources and conditions of this state.

- 4 To purchase books to supply deficiencies in the various departments of its collections, and especially reports on the legislation of other states, on railroads and geological surveys and of educational and humane institutions for legislative reference, and such other books, maps, charts and materials as will facilitate the investigation of historical, scientific and literary subjects. The secretary of state shall furnish to the state historical society, for reference and exchange purposes, fifty copies each of every state publication.

5. To thoroughly catalogue the entire collections of said department for the more convenient reference of all persons who have occasion to consult the same. The state shall bind the unbound books, documents, manuscripts and pamphlets, and especially newspaper files containing legal notices, in the possession of the state historical society.

6. To prepare annually for publication four (4) quarterly reports of its collections and such other matters relating to the transactions of the Society that may be useful to the public. Such report shall be in such form and in such binding as the Board of Directors shall determine, and shall be printed by the State. The Board of Directors shall have charge of the distribution and sale of such reports and shall account for the proceeds

received therefrom to the State Auditing Board

7 To keep its room open at all reasonable hours on business days for the reception of the citizens of this state who may wish to visit the same, without fee.

8 Whenever any grant, devise, bequest, donation or gift or assignment of money, bonds or choses in action, or of any property, real or personal, shall be made to the state historical society, such society is hereby directed to receive and accept the same and the right and title thereto in the name of the state [Laws 1915, ch 169, s 2, as am by Laws, 1937, ch 164]

Sec 385b3. **Disbursements; care and custody of documents.** All moneys appropriated for the use of the North Dakota War History Commission shall be disbursed and expended under the authority and direction of the State Historical Society of North Dakota, and all records, documents, material and articles of historical nature and significance collected by the North Dakota War History Commission shall be placed in the care and custody of the State Historical Society of North Dakota [Laws 1923, ch 127, s 2.]

D. MUNICIPAL LIBRARIES

(Comp Laws of North Dakota, 1913, v 1, p 981-983, s 4007-4012, *Ibid* Suppl 1913-1925, p 905, s 4013, Laws 1931, p 519, ch 297, as amended by Laws 1935, p 288, ch 208, Laws 1937, p 323, ch 210, s 5[b])

Sec 4007 **Library fund; how provided.** The city council of each city, not exceeding in population fifty thousand inhabitants, and each village or township board of every village and township containing over four hundred inhabitants, shall have the power to establish and maintain a public library and reading room, and for such purpose may annually levy and cause to be collected, as other taxes collected, a tax not exceeding four mills on each dollar of the taxable property of such city, village or township, to constitute the library fund, which fund shall be kept separate and apart from the other money of the city, village or township, by the treasurer thereof, and the same shall be used exclusively for such purpose, provided, that no library shall be so established without first receiving the approval of the majority of the electors of such city, village or township, voting on such question at any general election at which it may be submitted to a vote [1911, ch 179, 1909, ch 155]

NOTE—General city tax authorized by s 3680 does not include tax authorized by this section

Sec 4008 **Board of directors; appointment.** For the government of such library and reading room there shall be a board of five directors appointed from the citizens of such city, village or township, of both sexes, who shall be appointed by the board of education or school board of such city or village, or, where there is no incorporated city or village, by the board of supervisors of such township, and there shall be one member of such board of education or school board or board of supervisors appointed

as one of the directors of such library and reading room. Such directors shall hold their office for three years from the first day of July in the year of their appointment, and until their successors are appointed, but upon their first appointment they shall divide themselves at their first meeting by lot into three classes, and one of such directors shall hold office for one year and two for two years and the remaining two for three years, and thereafter there shall be appointed in each year the requisite number to fill the vacancies caused by the expiration of the terms of those going out of office in such year. All vacancies shall be immediately reported by the board of directors to the board of education, school board or board of supervisors and filled by such board of education, school board or board of supervisors, and if for an unexpired term, for the residue of the term only. No compensation whatever shall be paid or allowed any director in such official capacity.

Sec 4009 Board of directors; duties; powers Said directors shall immediately after their appointment meet and organize by electing from their number a president and secretary. They shall make and adopt such by-laws, rules and regulations relating to the duties of officers and for the management of the library and reading room as may be expedient, not inconsistent with this article. They shall have the exclusive control of the expenditures of all moneys collected for or contributed to the library fund, and the supervision, care and custody of the library property, rooms or buildings constructed, leased or set apart for that purpose, and such money shall be drawn from the treasury by the proper officers upon vouchers of the board of directors without being otherwise audited. They may, with the approval of the board of education or school board or board of township supervisors aforesaid, without which no lease, purchase or contract therefor shall be valid, build, lease or purchase an appropriate building and purchase a site therefor, not, however, employing in such purchase or building more than one-half of the income in any one year. [1909, ch 155.]

Sec 4010 Regulations governing use of library. Every library and reading room established under this article shall be forever free for the use of the inhabitants of the city, village or township where located, always subject to reasonable rules and regulations as the board of directors may deem necessary to adopt and publish to render the use of said library and reading room of the greatest benefit, and the board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules. [1909, ch 155.]

Sec 4011 Annual report. The board of directors shall make an annual report on July first of each year to the said board of education or school board or board of supervisors stating the condition of the library and property, the various sums of money received from all sources, and how much money has been expended and for what purpose, the number of books and periodicals on hand, the number added by purchase or gift during the year,

the number lost and loaned out, the character and kind of books contained in the library, with such other statistics, information and suggestions as they may deem of general interest and a copy of said report shall be filed with the city council or township board and the state library commission. [1909, ch.155.]

Sec. 4012. Donations. All persons desirous of making donations of money, books, personal property or real estate for the benefit of such library shall have the right to vest the same in the board of directors, to be held and controlled by such board when accepted for the use of such library and reading room, and as to such accepted property said board shall be held and considered to be special trustees. [1909, ch.155]

Sec. 4013 City council appropriate funds. To aid and facilitate the organization of a library in any city, village or township, as in this article provided, where the same is required by the people thereof, and where in any city the sum four hundred dollars or more shall be donated and deposited with the city treasurer for that purpose and in any village or township where the sum of one hundred and fifty dollar or more shall have been donated and deposited with the village or township treasurer for the benefit of such library, and also where such amount shall, prior to the passage of this code, have been donated and expended for the purchase of a library existing in any such city, village city or township, the city council of such city is authorized and it shall be its duty to appropriate two hundred dollars from the general fund of such city for such library, for which amount a warrant shall be drawn on the city treasurer, and the board of trustees of such village or the board of supervisors of such township are authorized and it shall be their duty to appropriate one hundred dollars from the general fund of such village or township for such library, for which amount a warrant shall be drawn on such village or township treasurer, provided, that in the case that any library associations now existing it shall first agree to turn over to the library and reading room thus established all books, periodicals and other property The treasurer of such city, village or township shall accept such warrant and apply the proceeds from the sale of the same to the library fund, which, together with the amount donated, shall be held subject to the order of the board of directors for such library, and the payment of such warrant shall be provided for in the next assessment of taxes in such city, village or township, and such library may be organized without submitting the same to a vote as provided in section one [s.4007 of the Compiled Laws of 1913 Laws 1909, ch 155, as am. by Laws 1935, ch 208.]

Sec 5(b). The aggregate amount levied for general city purposes shall not exceed such an amount as will be produced by a levy of fourteen mills on the net taxable assessed valuation of property in the city, provided that in cities supporting bands or public libraries as additional levy not to exceed two mills on the net taxable assessed valuation of property in such

cities supporting bands, public libraries and airports, a levy in addition to the above 14 mills, but not to exceed three mills on the net taxable assessed valuation of property in each city may be made for these purposes.

E. SCHOOL LIBRARIES

(Comp Laws of North Dakota, 1913, v 1, p 270, 284, s 1108, 1177; *Ibid* Suppl 1913-1925, p 138, 361, s 92, 1176)

Sec. 1108. To furnish school supplies; blanks; etc. He shall prepare, cause to be printed and furnished to the proper officers or persons all district clerks' record books and warrant books, school treasurer's record books, school registers, reports, statements, notices and returns needed or required to be used in the schools or by the school officers of the state. He shall prepare and furnish to school officers through the county superintendents, lists of publications approved by him as suitable for district libraries, such lists shall contain also the lowest price at which each publication can be purchased and such other information relative to the purchase of district libraries as he may deem requisite [1911, ch.266, s 4]

Sec 1176 Furniture; maps; register; school library. The district school board * * * shall appropriate and expend each year not less than ten (\$10 00), or more than twenty-five (\$25 00), for each school of the district for the purpose of school library, to be selected by the school board and the teacher, from any list of books authorized by the superintendent of public instruction, and furnished by him to the county superintendent for that purpose, provided, that all books purchased for the library shall be bound in cloth or some material equally as durable, provided further, that when a school board of a common school, has purchased and has in their library two hundred books as afore provided, that the school board having such school under their supervision shall be obliged to expend not less than five dollars (\$5 00) annually, until such library shall contain, in good condition, three hundred volumes, after which said school board shall not be obliged to purchase so as to increase the number, but shall keep the books in good condition, and replace annually as many books as may become lost or destroyed [Laws, 1915, ch 132, s 1]

Sec 1177 Care of library; librarian. It shall have the care and custody of the library and may appoint as librarian any suitable person, including one of their number, but whenever practicable, the library shall be kept in the school house and always so when school is in session. It shall make rules to govern the circulation and care of the books while in the hands of the pupils or other persons, subject to the general rules as may be prescribed by the state superintendent of public instruction, and may impose and collect penalties for injuries done to any book by the act, negligence or permission of the person who takes the same or while in his possession, but no book shall be loaned to any person not a resident of the district. It may at any time temporarily exchange any part or all of its library with any

other district or persons, so far as different books may be obtained, but each district shall recall its books before the close of the school term. It may at any time accept donations of books for the library, but it shall exclude therefrom all books unsuited to the cultivation of good character and good morals and manners, and no sectarian publications, devoted to the discussion of sectarian differences and creeds shall be admitted to the library. It shall be held accountable for the proper care and preservation of the library, and shall report annually to the county superintendent all library statistics which may be required by the blanks furnished for that purpose by the superintendent of public instruction [1911, ch 266, s 71.]

Sec. 92. **Blue book to be printed for distribution.** The secretary of state shall cause to be printed a sufficient number of Blue Books for distribution to the members of the legislative assembly, state institutions, elective state officers and their appointees, elective county officers, public libraries, legal newspapers, state high schools, and district schools of the state. Provided that it shall be the duty of the county superintendent of schools to certify to the secretary of state on the first day of March of each year in which the legislature is in session, or as soon thereafter as possible, the total number of district schools in his county, in the libraries of which one copy of the Blue Book is placed. [Laws 1915, ch 224]

OHIO

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A. STATE LIBRARY

(Ohio General Code, 1936, Political Code, p 50, 297, s 154-51 to 154-54, 792, 793, 794, 797.)

Sec. 154-51. **Appointment of state library board.** A state library board is hereby created in the department of education, to be composed of the director of education, as chairman, and four other members. The members other than the director of education shall be appointed by the governor. The first appointments under this section shall be as follows: One member for a term of two years, one member for a term of four years, one member for a term of six years and one member for a term of eight years. Thereafter one member shall be appointed each two years for a term of eight years. The members other than the director of education shall receive no compensation, but shall be paid their actual and necessary expenses incurred in the performance of their duties. [109 v. 123.]

Sec. 154-52. **Appointment and duties of state librarian.** The state

library board shall appoint and may remove a state librarian, who shall, under the direction and supervision of the board, be the head of the library service of the state, with power to appoint and remove all assistants and heads of departments in the state library service [109 v 123]

Sec. 154-53 Powers and duties of state library board. The state library board shall make such rules for the government of the state library, the use and location of the books and other property therein or the transfer thereof as it deems necessary or advantageous to the library service of the state. It shall organize the library service of the state into departments and determine the number of assistants and other employes therein. [109 v 123.]

The state library board is hereby authorized and empowered to receive, accept and administer any money or moneys appropriated or granted to it, separate and apart from the general state library fund, for providing and equalizing public library service in Ohio

(1) By federal government, and

(2) By the state of Ohio and any other agencies, private and otherwise.

The fund herein provided for shall be administered by the state library board which body shall frame by-laws, rules and regulations for the allocation and administration of this fund

The fund shall be used to increase, improve, stimulate and equalize library service to the people of the whole state, and shall be used for no other purpose whatsoever except as hereinafter provided, and shall be allocated among the counties of the state, taking into consideration local needs, area and population to be served, local interest as evidenced by local appropriations and such other facts as may affect the state program of library service

Any gift or grant from the federal government or other sources shall become a part of said fund, to be used as part of the state fund

All moneys received, allocated, or appropriated for the purposes set out in this act shall be deposited in the state treasury and shall be credited to a fund to be known as the aid for libraries fund, which fund is hereby created; the moneys so deposited shall be paid out by the treasurer of state on the warrant of the auditor of state on vouchers issued by the state library board. Expenses of the administration of said fund shall be paid from said fund [118 v H 416, s 1, 109 v 123 Eff Sept 6, 1939]

Sec 154-54 Powers and duties of state librarian. The state librarian shall be secretary of the state library board. Under the direction and supervision of the state library board and subject to the rules and regulations established by it, the state librarian shall, through such departments as may be created by the board, exercise all powers and perform all duties vested by law in the state board of library commissioners, the librarian heretofore appointed by the state board of library commissioners, the library organizer heretofore appointed by the state board of library commissioners and the

legislative reference department and the director thereof. [109 v. 123.]

Sec. 792 Duties of state librarian. The librarian shall have charge of the state library and shall give personal attendance therein and attention thereto. He shall enforce the rules and regulations established by the general assembly and the board of library commissioners for its government. [51 v. 320, 92 v. 291 R S s 347]

Sec 793. Advice and information to other libraries. Upon request of the librarian, trustees of a public library, or a person interested in establishing a public library, the board of library commissioners shall furnish such advice and information as may be practicable concerning the organization, maintenance and administration of such library [92 v. 291 ; 98 v. 194]

Sec 794 Library organizer; appointment; office room; etc. The state board of library commissioners may appoint a library organizer, who shall have office room in or near the State library. The library organizer shall keep informed of the condition, scope and methods of the various public libraries of the state, visit them as occasion may require, furnish advice and information when requested as provided in the preceding section, and, as far as practicable, assist in promoting and establishing new public libraries. At the close of each fiscal year he shall make a report to the board of the general conditions in the state relative to public libraries [92 v. 291 ; 98 v. 194, 101 v. 99]

Sec 797 Expenses of the board. The board of library commissioners shall superintend and direct the expenditure of appropriations for the maintenance and support of the state library. The board may expend not exceeding one thousand dollars each year for incidental expenses, including the necessary traveling expenses of its members in the discharge of their official duties. When approved by the board, all bills for expenses incurred under the provisions of this chapter shall be paid from the state treasury on the warrant of the auditor of state [51 v. 320, 79 v. 36, 82 v. 18, 92 v. 291 R.S. 343, 352]

B. SUPREME COURT LAW LIBRARY

(Ohio General Code, 1936, Political Code, p 688, s 1492-1494, *Ibid* 1942 Suppl p 179, s 1480-1)

Sec 1480-1 Appointment of clerk, reporter, librarian, assistants, deputies, etc., by court; compensation. The supreme court may appoint a clerk, a reporter, a librarian who shall also be the marshal of the court and such assistants, deputies, clerks, stenographers and other employes as may be necessary for the prompt and efficient discharge of the duties of the offices of the clerk, the reporter, and the librarian. All such appointees shall serve at the pleasure of the court.

The supreme court shall fix the compensation to be paid the clerk, the reporter, the librarian, and all assistants, deputies, clerks, stenographers, and other employes, which compensation shall be paid from the state

treasury in semi-monthly installments upon the approval of the supreme court. Any and every appropriation authorized by the general assembly, for the payment of such compensation, may be distributed and paid among such several appointees hereinbefore referred to, as said court may, from time to time, direct. [119 v S.83, s.1; 109 v 216 Eff. Aug. 7, 1941.]

Sec. 1492. Bond. Before entering upon the discharge of the duties of his office, the law librarian shall give bond to the state in the sum of five thousand dollars, with two or more sureties approved by the chief justice of the supreme court, conditioned for the faithful discharge of the duties of his office. Such bond with the approval of the chief justice and the oath of office indorsed thereon shall be deposited with the treasurer of state and kept in his office [R.S. 423.]

Sec. 1493 Duties. The law librarian shall make and deliver to his predecessor in office a receipt for the books and other property belonging to the law library which come into his possession. He separately shall specify therein each book or set of books, and each article of property and file the receipt with the treasurer of state. He shall likewise make further receipts from time to time for books or property purchased for or presented to the law library, and file them with the treasurer of state. On the death, resignation or removal of the law librarian, the books and other property of the law library shall forthwith be delivered to his successor, and credit therefor entered on the receipts so filed. The law library shall be independent of the state library. [R S 423.]

Sec 1494 Function. The law librarian shall have charge of the law library, the rooms designated for the use of the court, with all property pertaining thereto, and perform such other services as the court directs [R.S. 423.]

C. LEGISLATIVE REFERENCE LIBRARY

(Ohio General Code, 1936, Political Code, p 297-298, s 798-1, 798-3, 798-5 to 798-7)

Sec. 789-1. Establishment of legislative reference bureau. There is hereby created and shall hereafter be maintained a legislative reference bureau for the use and information especially of the members of the general assembly, the officers of the several state departments and the public. The bureau shall be under the general direction of a legislative reference board composed of the governor, clerk of the senate and the clerk of the house of representatives, who shall provide suitable quarters in the state capitol for said bureau.

The chief and the secretary of the legislative reference bureau shall be appointed by the legislative reference board, and shall receive such compensation as may be fixed by the board.

The chief of the legislative reference bureau shall perform such duties as are prescribed by sections 798-3 and 798-5 of the General Code. The chief

shall appoint and fix the compensation of such additional assistants, draftsmen and clerical help as may be necessary, subject to the approval of the legislative reference board. The salaries of the chief and the secretary and all other expenses of the bureau shall be paid out of the state treasury upon the warrant of the auditor of state by vouchers approved by the chief of the bureau and paid out of the appropriations made for the legislative reference bureau. [115 v. Pt. 2, 1st. s ses. H. 31, 103 v. 8, s 1. 101 v. 22; s.1. Eff. Sept. 13, 1933.]

Sec. 798-3. Duties of director. It shall be the duty of the director to collect and compare the laws of this and other states pertaining to any subject upon which he may be requested to report by the governor or any committee or member of the general assembly, to collect all available information relating to any matter which shall be the subject of proposed legislation by the general assembly; to prepare or advise in the preparation of any bill or resolution when requested to do so by the governor or by any member of the general assembly, to preserve and collate all information obtained and carefully index and arrange the same so that it may be at all times easily accessible to the members of the general assembly, other state officials and to the general public for reference purposes, to collect such books, pamphlets, periodicals, documents and other literature as may be of use to the general assembly or other state officials, and to keep the same on file in the quarters of the department, temporarily or permanently, according to the time for which such literature may be needed. It shall further be the duty of the director to collect, compile, classify and index the documents of the state, including senate and house journals, executive and legislative documents and departmental reports of this and other states; to keep on file all bills and resolutions printed by order of either house of the general assembly, to accumulate data and statistics regarding the practical operation and effect of statutes of this and other states [103 v. 8, 83, 101 v 221. s 3.]

Sec. 798-5. Arrangements with other departments for use of books, documents, etc. The director of the legislative reference department shall arrange with the proper officials of the Ohio State University, the Ohio State Archaeological and Historical Society, the Supreme Court Law Library, and the Ohio State Library, for the use of general books and references in their custody, and the proper officials of the Ohio State University, the Ohio State Archaeological and Historical Society and the Ohio State Library are hereby directed to lend to the Legislative Reference Department for the use of said department such books and documents as he may require. The director is also authorized to give or lend to the proper officials of the Ohio State University, the Ohio State Archaeological and Historical Society and the Ohio State Library any books and documents, as may not be required by him. [103 v. 9, s.5.]

Sec. 798-6. Delivery of copies of bills, etc., by clerks of senate and house at close of session. At the close of each session of the general assembly the

clerk of the senate and the clerk of the house shall deliver to the director copies of all bills, joint resolutions, important petitions, memorials, and other legislative documents passed or presented during such session of the legislature. [103 v 9, s 6, 101 v 221, s 4]

Sec 798-7. **Expenditures for books and documents.** The state board of library commissioners is authorized to make necessary expenditures out of the appropriations made, to obtain the books and documents necessary to establish an effective Legislative Reference Department, including statistics and other information, upon the recommendation of the director. [103 v. 9, s 7]

D. DISTRIBUTION OF PUBLIC DOCUMENTS

(Ohio General Code, 1936, Political Code, p 22, 23, 297, 1063, s 66, 73, 795, 796, 798-5, 2279-1)

Sec 795 **Exchange of state publications.** The board of library commissioners shall arrange for the exchange of the publications of the state for like publications of such other states, nations, societies or individuals as they deem proper and place them in the state library Statute laws so received shall be transferred to the state law library [51 v 320, 92 v 291.]

Sec 796 **Delivery of reports for exchange.** The secretary of state shall deliver to the state librarian for exchange with other libraries such number of each annual report as the state librarian may request in writing The state librarian, when he deems proper may through the secretary of state forward copies of the publications of the state to any university, college or public library within the state [92 v 291, 101 v 348, 103 v 177]

Sec 798-5 **Arrangements with other departments for use of books, documents, etc.** The director of the legislative reference department shall arrange with the proper officials of the Ohio State University, the Ohio State Archaeological and Historical Society, the Supreme Court Law Library, and the Ohio State Library, for the use of general books and references in their custody, and the proper officials of the Ohio State University, the Ohio State Archaeological and Historical Society and the Ohio State Library are hereby directed to lend to the Legislative Reference Department for the use of said department such books and documents as he may require. The director is also authorized to give or lend to the proper officials of the Ohio State University, the Ohio State Archaeological and Historical Society and the Ohio State Library any books and documents, as may not be required by him [103 v. 9, S 5]

Sec 73 **Delivery of legislative documents.** Each clerk shall preserve the papers and documents laid before the house of which he is clerk, and such of them as are ordered printed he shall forthwith deliver to the printer for his use in printing them The clerks shall read and correct the proofs of papers and documents ordered to be printed by either house Such printer shall immediately print five hundred copies thereof. Each executive officer

shall receive one copy, and the state librarian five copies, which he shall preserve. [72 v. 179; 81 v. 29, 92 v. 158.]

Sec. 66. Delivery of laws. After passage and before enrollment, the reglets or leads shall be removed from between the lines of the type from which the bills were printed and from the same type five copies of each bill shall be printed on heavy linen ledger paper and from the same type such number of copies as may be agreed upon by the clerks of the two houses, in no case to be more than five thousand, shall be printed on number one white book paper. The laws so printed from the engrossed bills shall contain pages seven and one-half by four and one-half inches of solid matter, ten point type, and shall indicate new matter by italicized type, old matter omitted, by asterisks. Of the five copies, one shall be used for enrolling purposes, and of the additional copies, one-half shall be delivered promptly to the secretary of state, fifty shall be delivered to the state library, one to each state department, and the remaining copies apportioned among the senators and representatives. Such printing shall be done under the supervision of the clerk of the house in which the bills originated [72 v. 179, 88 v. 501, 90 v. 22, 91 v. 6, 111 v. 230]

Sec 2279-1 State reports and other publications to be forwarded to the library of congress. The secretary of state shall forward to the document division of the library of congress two copies of all reports of elective and appointive state officers, of all journals and all other publications forwarded to him by the department of finance, also seven copies of laws in bound form and seven copies of all appropriation laws in separate form. Every department, commission, board, officer or other administrative agency of the state, whose publications are not distributed through the secretary of state, shall forward to the document division of the library of congress two copies of each report, pamphlet or other publication issued by said department, commission, board, officer or other administrative agency [112 v. 298 Eff July 21, 1929]

E. COUNTY LIBRARIES

(Ohio General Code, 1936, Political Code, p 1139, 1244, 1245, s 2454-2456, 2976-11 to 2976-17)

Sec 2454 Bequest or gift. The county commissioners may receive a bequest or a gift of a building or of money or property wherewith to construct a building for, or to furnish and equip a county public library. They may accept the gift of a library or of its use for a term of years or permanently, and may agree on behalf of such county to provide and maintain such library. [93 v. 355, 98 v. 194]

Sec. 2455 Contract for use of library by county. A library association or other organization, owning or having the full management or control of a library, or a board of trustees appointed by authority of law and having the management or control of a library free to the whole or part of a county

may contract with the county commissioners for the use thereof by the people of such county. [93 v. 355; 98 v. 194]

Sec. 2456. Tax for maintenance. A county accepting such bequest or gift, or entering into such agreement, shall faithfully maintain and provide such library. At their June session each year, the commissioners thereof may levy a tax not to exceed a half-mill on each dollar of taxable property in such county. The fund derived from such levy shall be a special fund, known as the library fund, and shall be used only for the purpose contemplated in this section. [93 v 355, 98 v 194.]

Sec. 2976-11 Appointment of trustees. That in all counties of the state of Ohio where the county commissioners have received a bequest or gift of a building, money or property wherewith to construct a building for, or to furnish and equip and help a county library, or have accepted the gift of a library, or its use for a term of years, and have made an agreement to maintain and provide for such library in accordance with the provisions of sections 2454 and 3456 of the General Code, there shall be established a county library for the use of all the citizens of the county and the maintenance, management, care and control of such library shall be entrusted to a board of trustees consisting of six members; the members of such board shall be appointed by the judge of the court of common pleas of the county in which such library is situated as soon as such gift or bequest shall have been accepted by the board of commissioners, two members thereof to hold their offices for the term of two years, two for the term of four years and two for the term of six years; each trustee shall be an elector of the county in which such library is located and not more than three of the members of such board shall be of the same political party, and thereafter such common pleas judge shall, upon the expiration of the terms of office of such appointees, or any thereof, appoint successors to said trustees and each trustee thereafter appointed upon the termination of the term of office of any trustee shall hold his position for the term of six years. All vacancies in such board of trustees shall be filled by the judge hereinbefore referred to and the person so appointed to fill a vacancy in such board shall serve for the unexpired term of his predecessor. Each member of such board shall serve for the term herein provided and until his successor is appointed and qualified. In counties having more than one judge of the court of common pleas the appointments herein provided for shall be made by the judges of the court of common pleas for such county. All members of such board of trustees shall serve without compensation, and shall give bond to the approval of the county commissioners in such sum as they shall fix [106 v. 485]

Sec 2976-12. Use of library. Each and every resident of the county within which is situated such county library, shall be entitled to the free use of such library, reading rooms, and any branch of the same, and all the privileges thereof, upon such terms and conditions not inconsistent therewith, as the board of trustees of such library may prescribe [106 v. 485.]

Sec. 2976-13. Powers and duties of trustees. The board of trustees of such library shall have sole and exclusive charge, custody and control of the public library in such county, including all property, both real and personal, used and occupied by such library, whether acquired heretofor or hereafter, and shall have full power to make all rules and regulations necessary for the proper government, maintenance, care and management thereof, and to provide therefor. Said board of trustees shall have power over, and exclusive control of, the library fund arising from the levy made by the county commissioners under the provisions of section 2456 of the General Code, and of the expenditure of all moneys collected to the credit thereof. They shall have power and it shall be their duty to establish in the city or village where such library is located and throughout the county within which is situated said library, reading rooms, branch libraries, and library stations in connection with said library, and to lease and furnish said rooms, buildings or parts thereof as are required for such purposes, and to pay all necessary expenses connected therewith. They shall have power, and it shall be their duty to purchase and pay for all books, periodicals, magazines and other literature and supplies necessary, in their judgment, for said public library, reading rooms, branch libraries and library stations, and to incur the necessary expenditures for the encouragement and advancement of the best use of such library, reading rooms, branch libraries and library stations by the public; all such purchases, payments and expenditures to be made out of said library fund. They shall have power and it shall be their duty, to employ a librarian, assistant librarians, janitor, and other necessary assistants for such public library, reading rooms, branches and stations, to fix the compensation of persons so employed, and to pay same out of said library fund. Said library board may fix the term of any such persons employed by them for any period not to exceed two years [106 v 486]

Sec 2976-14 Organization of board. Such board of trustees shall organize and shall choose a president, vice-president and secretary and such other officers and committees as they may deem necessary. [106 v. 486]

Sec 2976-15. Library fund. All moneys realized from the levy made by the commissioners of the county under the provisions of section 2456 of the General Code and all moneys received or collected by said trustees for the library, shall be placed in the treasury of said county, subject to the order of said board of trustees of said library. Said fund shall be known as the library fund of said county, of which the county treasurer shall be custodian, and no money shall be drawn therefrom, except upon the requisition of the board of trustees of said library, certified by the president and secretary of said board, directed to the county auditor, who shall draw his warrant upon the county treasurer therefor. Any part of said funds unexpended during any year shall remain to the credit of said library fund. [106 v. 486.]

Sec 2976-16. Annual report. On the first day of January of each year such board of trustees shall make a full detailed statement and report of all

moneys collected and expended and of all transactions had during the previous year. Said report shall be made in writing to the board of county commissioners. [106 v. 487.]

Sec. 2976-17. Libraries to which act does not apply. The provisions of this act shall not apply to county libraries heretofore organized and now being conducted under such organizations. [106 v. 487]

F. COUNTY DISTRICT LIBRARIES

(Ohio General Code, 1936, Civil Code, p 628-631, s 7643-1 to 7643-13)

Sec 7643-1. County library district may be created; resolution; submission at next general election. A county library district may be created in the manner hereinafter provided in any county, composed of taxing districts therein, in which public library service supported in whole or in part by tax moneys, is not furnished to the citizens thereof. And said county library district may also include any taxing district having a public library supported in whole or in part by tax moneys, upon resolution of the board of trustees or other governing bodies of any such library. At any regular or special session the county commissioners of any county may adopt a resolution providing for the creation of, and specifically describing the limits of, a proposed county library district in such county, and may file the said resolution in the probate court of such county. Upon the filing of such resolution in the probate court, the probate judge shall fix a day for the hearing thereof, not less than thirty (30) days and not more than (60) days after the date of such filing. If the probate judge finds the territory of such proposed district sufficiently described, he shall certify such fact to the board of elections of the county, who shall submit the question of the creation of such county library district to the electors residing in the territory comprising such proposed district and shall place the same on the ballot at the next regular or general election. If a majority of the electors, voting upon such proposition, vote in the affirmative, such district shall be deemed and held to have been created. [109 v. 351, 110 v. 328, 114 v. 54]

Sec 7643-1a Library or libraries may be transformed into county library district; procedure In any county in which there exists a public library or libraries organized under the provisions of sections 2976-11, 3405, 4004, or 7635 to 7640-1, inclusive, of the General Code, and supported in whole or in part by a tax levied on property in said county having an assessed valuation of at least two-thirds of the total valuation of all the property in said county as shown by the tax list thereof, or so supported in the year 1930, the said library or libraries may be transformed into a county library district having boundaries co-extensive with the county upon complying with this section, and without compliance with section 7643-1 of the General Code. Upon filing with the county commissioners of the county wherein said library or libraries are located of a resolution of the board, or resolutions of the boards of such libraries for which taxes are, or were in

the year 1930, being levied on property having an assessed valuation of more than two-thirds of the total valuation of all the property in the county as shown by the tax list thereof, certified by the secretary or secretaries of said board or boards in which such board or boards of such library or libraries shall determine on the formation of a county library district having boundaries co-extensive with the county, and upon the acceptance thereof by the county commissioners of said county, a county library district, having boundaries co-extensive with the county, shall be deemed to exist, and all the property of the public library boards in said county organized under the provisions of sections 2976-11, 3405, 4004, 7635 or 7643-1 of the General Code, shall be transferred, conveyed or assigned to the new county library district in accordance with the provisions of section 7643-4a of the General Code [114 v 55, 115 v 210]

Sec 7643-2 Trustees; appointment; term; vacancy. The management of the county library district shall be vested in a board of seven county library district trustees, who shall be residents of the district, three appointed by the common pleas judge or judges, and four by the commissioners of the county. The term of office of said trustees shall be seven years, except that at the first appointment the terms of those appointed by the judge or judges of the common pleas court shall expire in two, four and six years respectively, and the terms of those appointed by the county commissioners shall expire in one, three, five and seven years respectively, and except that any appointment made to fill a vacancy shall be made by the same body which appointed the trustee whose place has become vacant and shall be for his unexpired term. The successor of any trustee of any county library district shall be appointed by the same boards or officers which appointed his predecessor. All subsequent appointments shall be for seven years, by the same appointing power which appointed the trustee whose term has expired [109 v 351, 110 v 328, 114 v 456, 115 v 211]

Sec 7643-3 Tax levy; budget. Such board shall levy annually for county district library purposes, a tax on all the taxable property of the county library district of not more than one mill. The tax budget of the board of such county library district shall be transmitted to the county commissioners and shall be transmitted by them to the budget commission without change [109 v 351; 114 v 56]

Sec. 7643-4 Subdivisions may merge. At any time after the creation of a county library district, any subdivision of a county maintaining, in whole or in part by tax moneys, a public library open to all the citizens within its limits, may by resolution adopted and entered upon the minutes of the board of trustees or other governing body of its public library and by any necessary supplementary action by the governing body of the taxing district, become a part of a county library district and be subject to all the provisions of this act applying thereto. At any time after the creation of a county library district any subdivision of the county in which public library service,

supported in whole or in part by taxation, is not furnished to the citizens thereof, or in which such service has been discontinued and there is no existing library board, may by resolution of the governing body thereof become a part of the county library district and be subject to all the provisions of this act applying thereto. Or on petition of not less than 50 electors residing in such subdivision, filed with the deputy state supervisors of elections, or deputy state supervisors and inspectors of elections, as the case may be, not less than 60 days before the next general election, the question of becoming a part of the county library district shall be submitted to the electors of such subdivision and if a majority of those voting thereon shall vote in the affirmative, such subdivision shall become a part of such county district. [109 v. 351; 110 v. 329; 111 v. 179.]

Sec. 7643-4a. Transfer of property. Any public library board, association, or other body or any political subdivision holding title to public library property real or personal in a subdivision which is included by vote or resolution in a county library district, may, by ordinance or resolution duly adopted, transfer, convey, assign or lease such property to the board of county district library trustees upon such lawful terms and conditions as are agreed upon. In the event that such property is held in trust said trustees are authorized to make the necessary transfer or lease of such property to said county district library trustees in so far as the same may be permissible under the terms of the trust. Any such county library district trustees may receive and accept such transfer, conveyance, assignment or lease. [110 v. 328.]

Sec. 7643-5 Contracts for service. The county library district trustees may contract with the governing body or bodies of one or more libraries within the county, or within any contiguous county, and such governing body or bodies shall have the power to enter into a contract for the free use of such library or libraries by the people of the county library district. If the county library district trustees contract for library service with more than one library, the county district may be divided for such service. Such contract or contracts shall contain such provisions as shall best subserve the purpose of giving the people of the county library district the advantages of efficient library service. The county library district trustees of a county may contract to furnish library service to another county library district, or to other county library districts, and the trustees of such other county library district or districts shall have the power to enter into such contract. County library district trustees may contract with boards of education of school districts within their territory to provide school library service, the boards of education paying all or part of the expense thereof.

Contracts provided in this section may be terminated by mutual agreement, or by either of the two contracting parties on giving six months' notice before the beginning of the next ensuing tax year. [109 v. 352; 110 v. 328; 111 v. 179.]

Sec. 7643-6. Powers and duties of trustees ; expenses. The county library district trustees shall serve without compensation, but their necessary expenses shall be allowed and paid out of the county district library fund. They shall have power to receive bequests or gifts of real or personal property or of money ; to purchase, lease or dispose of grounds and buildings ; to construct buildings and to furnish, equip and maintain the same for library purposes. They shall render an efficient library service in their respective districts. They shall submit an annual report of service, statistics and finances to the county commissioners and the state librarian in such form as shall be required by the latter. They shall draw up annually a budget, showing in detail the purposes for which it is proposed the money be expended during the succeeding year [109 v 352, 114 v. 56.]

Sec 7643-7 County treasurer shall be custodian of funds ; surplus. All moneys realized from the levy made for the county library district under the provisions of this act, including interest on all library funds, and all moneys received or collected by said trustees for the library district, shall be placed in the treasury of such county, subject to the order of such board of trustees of such library district. Such fund shall be known as the county library district fund of such county, of which the county treasurer shall be custodian ; and no money shall be drawn therefrom, except upon the requisition of the board of trustees of such library district, certified by the president and secretary of such board, directed to the county auditor, who shall draw his warrant upon the county treasurer therefor. Any part of said funds unexpended during any year shall remain to the credit of such library district fund, and such surplus or any part thereof may be set aside by a two-thirds vote of the members of the board as a special building, repair and insurance fund. Provided, however, that in case the county library district trustees contract with the governing body or bodies of one or more public libraries for county library service, the county library district fund shall be turned over when collected, by the county treasurer to the proper officer of the library or libraries with which the contract is made. [109 v 352, 110 v. 328 ; 114 v. 57.]

Sec 7643-7a. Agreement by contracting public library. In any county in which a county tax is being levied for a county library organized under sections 2454, 2456, 2976-11 to 2976-17 of the General Code or for county library service by contract with a public library under section 2455 of the General Code, by mutual agreement between the governing body of such county library or contracting public library and the county commissioners, a county library district may be created, composed of all or part of the county, to which all the provisions of this act shall apply, or upon petition of not less than twenty-five per cent of the electors residing in the district, the question of creating a county library district shall be submitted to the electors as provided in section 7643-1 of the General Code. After the creation of such county library district, property belonging to the county library, both real and personal, shall by resolution of its governing body be trans-

ferred to the county library district trustees [110 v. 328; 114 v. 57]

Sec. 7643-8 State board of library examiners created. The librarians of the two public libraries of largest circulation in the state, the director of state library service, and two persons representing rural library work and chosen by the state library commission shall constitute a state board of library examiners. The members chosen by the state library commission shall serve one for two and the other for four years, and their successors, appointed by the same authority, shall serve for a term of four years. Such boards shall examine applicants for the position of county district librarian. The members shall receive no compensation but their necessary expenses shall be paid from the appropriation for the state board of library commissioners on the warrant of that body. They may adopt rules and regulations for the government of the board and for carrying out the provisions of this section. No person who has not received a certificate of qualification from the state board of library examiners shall be employed as librarian in charge of any county library district. The county librarian and his assistants shall be appointed and their salaries fixed by the county library district trustees, and shall also be allowed necessary traveling expenses incurred on the business of the library within the county upon approval of the county library district trustees, and in addition, the county librarian shall attend and take part in an annual state convention of county librarians, for which railroad expenses shall be allowed out of the county library district fund [109 v. 353.]

Sec. 7643-9. Tax year defined. The words "the beginning of the next ensuing tax year" shall mean the day upon which taxes upon real estate become a lien. [109 v. 353]

Sec. 7643-10 Acquisition of property; prosecuting attorney to be legal adviser. On the request of the board of any county library district, and the provision of funds to pay for such property, the commissioners of the county in which said district is located shall purchase or appropriate property for the purpose of constructing a public library building or buildings, and shall have all powers with respect to such purchase or appropriation which they have with regard to appropriation of property for county buildings. The prosecuting attorney of the county shall be the legal adviser of the county library district, and shall represent the trustees thereof in all cases in court [114 v. 58]

Sec. 7643-11. Bonds and notes may be issued by county commissioners, when; how. The commissioners of any county, which has a county library district having boundaries co-extensive with the county, shall have power to issue notes and bonds of the county under the provisions of the uniform bond act for the acquisition of land and the construction and equipment of one or more library buildings, as if such building were a county building, but no notes or bonds shall be issued for such purpose except in accordance with a vote of the people of the county. [114 v. 58.]

Sec 7643-12 Special library fund; title of property. All funds provided by the issue of county bonds or notes, or in any other manner, for the acquisition of property and the construction and equipment of library buildings shall be deposited in a special library fund, which shall be expended only on the order of the county library district board, to be handled and dispersed in the same manner as the fund referred to in section 7643-7 of the General Code. The title of all property so acquired shall remain in the name of the county, and the consent of the county commissioners shall be essential to its ultimate sale or disposition, but the board of the county library district shall have full charge of the said property and building, with power to do all things as if it held title to the same, and section 2433-1 of the General Code shall not apply thereto [114 v 58]

Sec. 7643-13 Notes issued for four years; sale of former site. Any notes issued by the county commissioners under section 2293-25 for the purpose of providing funds for the construction of the county library district building or buildings may be for four years, and the proceeds of the sale of any former site, including land or buildings or both, belonging to said district, may be applied to reduce the amount of the bonds ultimately issued to refund the notes issued under section 2293-25 of the General Code [114 v 58.]

G. JOINT SCHOOL DISTRICT PUBLIC LIBRARIES

(Ohio General Code, 1936, Civil Code, p 625, 626, s 7633, 7634, 7634-1

Sec 7633 Libraries jointly owned by two or more school districts; tax levy. But when a donation or bequest of money or property has been or is made to two or more school districts jointly, or jointly and severally for the purpose of establishing and maintaining such public library and the money so donated has been or may be expended in the purchase of a site or the erection of a library building thereon or both, the provisions of this subdivision shall apply. In such case the board of education of each of the districts annually may levy not exceeding one mill, in addition to all other taxes allowed by law, upon the taxable property of such school districts for the establishment, support and maintenance of such public library, and such library building may be located at a convenient place in either district. [107 v. 179, 98 v. 244, § 1]

Sec 7634. Board of trustees, appointment, term. The control of such building and library and the expenditure of all moneys for the purchase of books and other purposes and the administration of the library shall be vested in a board of six trustees, three to be appointed by each of the boards of education for the term of five years. They must serve without compensation, and until their successors are appointed. In case of vacancy in the board, from refusal to serve, resignation or otherwise, it shall be filled by the boards of education of such district, for the unexpired term. [98 v 244, § 1.]

Sec. 7643-1. Dissolution or transfer. When the boards of education of such school districts mutually agree to discontinue joint maintenance of

such public library, they may by resolution dissolve the board of trustees appointed under authority of § 7634, and either board of education may transfer its interests in the property real or personal to the board of library trustees of the school district desiring or proposing to continue the operation and maintenance of said library, such board of library trustees to be appointed under § 7635 et seq of the General Code, provided, however, that the property thus transferred must be located in the school district to which said property is transferred. On and after the date on which this act shall take effect, no new library may be organized under authority of §§ 7633 and 7634 of the General Code. [110 v 407 Eff July 23, 1923.]

H. SCHOOL DISTRICT PUBLIC LIBRARIES

(Ohio General Code, 1936, Civil Code, p 626-627, s 7635-7637, 7639-7640,
Ibid 1939 Suppl p 340, s 7638)

Sec. 7635 Management and control of library. The board of education of any city, village or rural school district, by resolution, may provide for the establishment, control and maintenance in such district, of a public library, free to all the inhabitants thereof. It shall provide for the management and control of such library by a board of trustees to be elected by it as herein provided, which board shall hold title to all such library property.

Such boards of education shall also have the power for such purpose or purposes to purchase, erect, construct, enlarge, extend or improve a building or buildings for library purposes, including a site or sites therefor, and equipping and furnishing the same. [115 v Pt 2, 2d s ses S 62, 110 v 407, 98 v 244, S 1, R S 3998-2 Eff March 8, 1935]

Sec 7636. Library trustees, number and eligibility of. Such board of library trustees shall consist of seven members, who must be residents of the school district. No one shall be eligible to membership on such library board who is or has been for a year previous to his election, a member or officer of the board of education. The term of office shall be seven years, except that at the first election the terms must be such that one member retires each year. Should a vacancy occur in the board, it shall be filled by the board of education for the unexpired term. The members of the library board must serve without compensation and until their successors are elected and qualified. [96 v. 8; 100 v. 16 This § referred to in G C § 7643-1a]

Sec. 7637. Powers of library board. In its own name, such library board shall hold the title to and have the custody, and control of all libraries, branches, stations, reading rooms, of all library property, real and personal, of such school district, and of the expenditures of all moneys collected or received from any source for library purposes for such district. It may employ a librarian and assistants, but previous to such employment their compensation shall be fixed. [96 v. 8; 100 v 16.]

Sec 7638. May acquire or lease land or building; repair fund. By a two-thirds vote of its members such library board may purchase or lease grounds

and buildings, and erect buildings for library purposes. It also may appropriate land for library purposes if the owner and the board cannot agree upon terms, and dispose of land when, in its opinion, it is no longer needed for library purposes. Conveyances made by the board shall be executed in its name by its president and secretary. In the event any balance to the credit of the library fund shall remain in the treasury at the close of any fiscal year, such surplus or any part thereof may be set aside by a two-thirds vote of the members of the board as a special building and repair fund. It may accept any gift, devise or bequest for the benefit of such library. No member of the library board shall have directly or indirectly any pecuniary interest in any contract made by the board or be employed in any manner for compensation by the board of which he is a member except as clerk and/or treasurer. It shall report annually in writing to the board of education. [117 v. H. 34, § 1, 101 v. 304; R S §3998-2 Eff. July 3, 1937]

Sec. 7638-1. Officers of board; name of library. For the transaction of its business the board of library trustees shall elect a president, vice-president, secretary and treasurer, and such other officers as shall be deemed expedient or necessary, and with the exception of the offices of president and vice-president, may repose the duties of such officers, who need not be members or member of the board, in one person, provided, however, that the treasurer of said library board shall be required to give bond in such amount and form as the library trustees may prescribe, to secure such funds in his custody, as may not be otherwise prescribed by law. The name of the board of trustees under which it may acquire or convey property, contract, or be contracted with, sue or be sued, or perform any other official acts, may be ThePublic Library, the blank being filled with the name of the municipality or township or school district, (if the name of the municipality or township is not part of the name of the school district) in which the principal library is situated, or with the name of any donor or other person the board of trustees may wish to designate [110 v. 407.]

Sec. 7639. Tax levy outside of rate limitations. Such board of library trustees annually, during the month of May, shall certify to the board of education the amount of money needed for increasing, maintaining and operating the library during the ensuing year in addition to the funds available therefor from other sources. The board of education annually shall levy a tax of not to exceed one and one-half mills for such library purposes, which tax shall be in addition to all other levies authorized by law, and subject to no limitation on tax rates except as herein provided. [96 v. 9; 101 v. 305; 109 v. 237. This sec. subject to limitations of Ohio Const., Art. XII, § 2.]

Sec. 7640. The library fund. The proceeds of the tax levy for school district public library purposes shall be paid over by the county treasurer when collected by him as provided by law, to the treasurer of the board of library trustees, or other officers designated by such board to receive such funds, and shall constitute a fund to be known and designated as the library fund.

Payments therefrom shall be made only upon the warrant of the library board of trustees, when signed by the president and secretary thereof and issued for lawful purposes [96 v 9; 110 v 407]

I. MUNICIPAL LIBRARIES

(Ohio General Code, 1936, Political Code, p 1395, 1397, 1409, 1421, 1483, 1502, 1504, s 3616, 3620, 3677, 3711, 3712, 3939, 4004-4006)

Sec 3616 **Powers of municipalities.** All municipal corporations shall have the general powers mentioned in this chapter, and council may provide by ordinance or resolution for the exercise and enforcement of them. [96 v 26; 99 v. 5.]

Sec 3620. **Establishment of public libraries.** To establish, maintain and regulate free public band concerts, free public libraries and reading rooms, to purchase books, papers, maps, and manuscripts therefor, to receive donations and bequests of money or property therefor, in trust or otherwise, and to provide for the rent and compensation for the use of any existing free public libraries established and managed by a private corporation or association organized for that purpose [100 v.53]

Sec. 3677 **Appropriation of property for libraries.** Municipal corporations shall have special power to appropriate, enter upon and hold real estate within their corporate limits. Such power shall be exercised for the purposes, and in the manner provided in this chapter * * *

8 For libraries, university sites and grounds therefor * * * [111 v 47]

Sec 3711 **Transfer of property to library trustees.** A municipal corporation may transfer, lease, or permit the use of, by ordinance duly passed, any property, real or personal, acquired or suitable for library purposes, to the trustees of any public library for the school district within which such municipal corporation is situated, or it may lease or permit the use of such property to any library association providing free library service to the citizens of the municipality, upon such lawful terms and conditions as are agreed to between the municipal corporation and trustees [110 v 407; 97 v. 133, § 1 Eff July 23, 1923]

Sec 3712 **Trustees may accept such or other suitable property.** The trustees of a public library in such district may receive and accept such transfer, and receive and accept from any other source or acquire in any other manner, any property, real or personal, for library purposes, and use and apply it for such purposes, and enter into any contract relating thereto. [97 v 133, § 2.]

Sec 3939 **Powers of a municipal corporation.** Each municipal corporation in addition to other powers conferred by law have power: * * *

(11) To construct free public libraries and reading rooms, and free recreation centers. * * * [115 v. 187]

Sec. 4004. **Trustees of municipal library.** Except as provided in General Code section 4005-1, the erection and equipment, and the custody, control and administration of free public libraries established by municipal cor-

porations, shall be vested in six trustees, not more than three of whom shall belong to the same political party, and not more than three of whom shall be women. Such trustees shall be appointed by the mayor, to serve without compensation, for the term of four years and until their successors are appointed and qualified. In the first instance three of such trustees shall be appointed for a term of two years, and three for a term of four years. Vacancies shall be filled by like appointment for the unexpired term [97 v 35; 107 v 612]

Sec. 4005 Powers and duties of trustees. Except as provided in General Code section 4005-1, such trustees shall employ the librarians and necessary assistants, fix their compensation, adopt the necessary by-laws and regulations for the protection and government of the libraries and all property belonging thereto, and exercise all the powers and duties connected with and incident to the government, operation and maintenance thereof. Four trustees shall constitute a quorum and four votes shall be necessary to pass any measure to authorize any act, which votes shall be taken by the yeas and nays and entered on the record of their proceedings. In the making of contracts, the trustees shall be governed by the provisions of law applicable thereto [97 v 35, 107 v 612]

Sec 4006 Women may be members of board. Any woman born or naturalized in the United States, at the age of twenty-one years and upward, who has been a resident of the state at least one year, and of the municipality in which such library is established, for the period of thirty days, shall be qualified to be appointed and serve as such trustee [97 v 35.]

J. TOWNSHIP LIBRARIES

(Ohio General Code, 1936, Political Code, p 1333, § 3403-3406)

Sec 3403 Question submitted to electors. On the petition of twenty electors thereof, and upon four weeks' public notice, published in a paper of general circulation in the county, the trustees of a township shall submit to the electors of such township, at the general election in November, the question whether there shall be a public library established in the township for the use and benefit of the citizens thereof [70 v 244; 95 v. 506; 97 v. 26; 97 v. 189.]

Sec 3404 Form of ballot; tax and levy. Those voting at such election in favor of such library, shall place upon the ballots the words "Public Library—Yes," and those voting thereat against such library, the words, "Public Library—No." If a majority of the electors voting at such election vote in favor thereof, the trustees may, annually, levy upon all the taxable property of such township a tax not exceeding one mill on the dollar valuation thereof, to be applied to the establishment and maintenance of a library, and the procuring of suitable room or rooms therefor. [70 v. 244; 95 v 506; 97 v. 26, 97 v 189]

Sec. 3405 Appointment of library trustees. The trustees shall appoint

three trustees of such library, and confer upon them such authority as may be necessary to render a library so established of public utility. The library shall be conducted and cared for under such rules and regulations as the library trustees prescribe [70 v. 244.]

Sec. 3405-1. **Transfer to school district public library.** The township trustees may, by resolution duly adopted, transfer, convey, or lease any property, real or personal, acquired or suitable for public library purposes to the board of library trustees of the school district in which the property is situated or of a contiguous district, or to the board of county library district trustees of the county in which the property is situated, upon such lawful terms and conditions as are agreed upon between the township trustees and the library trustees of such school district or county library district [111 v 179]

Sec. 3406 **Transfer of books of school libraries.** With the consent of the local boards of education, or other school officers having them in charge, the library trustees may receive and place in the library, the books of the school library, subject at all times to the call of the boards of education or other school officers. [70 v 244]

K. INCORPORATED LIBRARIES

(Ohio General Code, 1936, Civil Code, p 1188, s 9972)

Sec. 9972. **Organic rules may be prescribed in articles of certain corporations.** An association incorporated for the purpose of receiving gifts, devises or trust funds to erect, establish, or maintain an academy in any department of fine arts, a gallery for the exhibition of paintings, or sculpture or works of art, a museum of natural or other curiosities, or specimens of art or nature promotive of knowledge, or a law or other library, or courses of lectures upon science, art, philosophy, natural history, or law, and to open it to the public on reasonable terms, or an industrial training school, or a mechanics' institute for advancing the best interests of mechanics, manufacturers and artisans, by the more general diffusion of useful knowledge in those classes of the community, or homes for indigent and aged widows and unmarried women, whose directors or trustees may be of either sex, in its articles of incorporation may prescribe the tenure of office of the trustees or directors, the mode of appointing or electing successors, the administration and management of the property, trust and other funds of the corporation and such other organic rules as are deemed expedient or acceptable to donors, which shall be the permanent organic law of the corporation [R S. § 3667]

L. LIBRARY TAX SUPPORT

(Ohio General Code, 1936, Political Code, p 1184, s 2692, Civil Code, p 163, 171, 174, 175, 182, 183, s 5625-6, 5625-24, 5625-28, 5638; *Ibid* 1940 Suppl. p 218, s.5625-15, *Ibid* 1942 Suppl p 294-296, s 5625-20, 5639, 5639-1)

Sec. 2692. **Advance payment to local authorities:** * * * Upon the re-

quest in like form of any board of public library trustees or board of township park commissioners for which a share of the undivided classified property taxes collected in the county has been allowed and fixed by the budget commission, the auditor may, prior to the first day of April in any year, draw, and the treasurer shall pay to the treasurer of such board from any undivided tax funds in the county treasury an amount not exceeding twenty-five per centum of the board's share of such undivided classified property taxes; but the auditor and treasurer shall retain an amount sufficient to meet all other requests for payments which have been made under this section or can be reasonably anticipated prior to such first day of April. On or after the first day of April, all amounts so paid out of undivided tax funds shall be reimbursed to the funds from which they have been paid and charged against the share of such board of library trustees or board of township park commissioners in the undivided classified property tax fund. [116 v Pt 2, 1st res S 365, s 16, 115 v 551; 111 v. 371; 108 v Pt 2, 1303, R S, s 1123 Eff Dec 20, 1935]

Sec 5625-6(b) Special levies without vote of the people; ten mill limitation. The following special levies are hereby authorized without vote of the people: * **

- (b) For the library purposes of the subdivision, in accordance with the provisions of the General Code authorizing a levy or levies for such purposes, but only to the extent so authorized.

Sec. 5625-15(4) Resolution relative to tax levy in excess of limitation. The taxing authority of any subdivision at any time prior to September 15, in any year, by vote of two-thirds of all the members of said body, may declare by resolution that the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the subdivision, and that it is necessary to levy a tax in excess of such limitation for any of the following purposes: * **

4. For a public library of, or supported by, a municipality, township, school district or county, under whatever law organized or authorized to be supported * ** [118 v H 260, s 1, 118 v H 9, 115 v Pt 2, 412; 114 v. 845; 112 v 397, s 15. Eff July 29, 1939]

***Sec 5625-20 Adoption of tax budget; preparation; what shall be included; procedure for participation by public library.** On or before the 15th day of July in each year, the taxing authority of each subdivision or other taxing unit shall adopt a tax budget for the next succeeding fiscal year. To assist in its preparation, the head of each department, board or commission, and each district authority entitled to participate in any appropriation or revenue of a sub-division shall file with the taxing authority thereof, or in the case of a municipality with its chief executive officer, before the first of June in each year, an estimate of contemplated revenue and expenditures for the ensuing fiscal year in such form as shall be pre-

scribed by the taxing authority of the sub-division, or by the bureau. The taxing authority shall include in its budget of expenditures the full amounts requested therefrom by district authorities, not to exceed the amount authorized by the law applicable thereto, if such law gives such authorities the right to fix the amount of revenue they are to receive from the sub-division. In a city in which a special levy for a municipal university has been authorized to be levied outside of the ten mill limitation, or is required by the charter of the municipality, the taxing authority shall include an amount not less than the estimated yield of such levy, if such amount be requested by the board of directors of the municipal university.

The board of trustees of any public library, desiring to participate in the proceeds of classified property taxes collected in the county, shall adopt appropriate rules and regulations extending the benefits of the library service of such library to all the inhabitants of the county (excepting to the inhabitants of sub-divisions maintaining a public library participating in the proceeds of classified property taxes) on equal terms, unless such library service is by law available to all such inhabitants, and shall certify of copy of such rules and regulations to the taxing authority with its estimate of contemplated revenue and expenditures. In all cases in which such rules and regulations have been so certified and in which the adoption of such rules and regulations is not required, the taxing authority shall include in its budget of receipts such amounts as shall have been specified by such library trustees as contemplated revenue from classified property taxes, and in its budget of expenditures the full amounts requested therefrom by such board of library trustees. The board of trustees of any public library participating in the proceeds of classified property taxes may supply library services to the inhabitants of the county on the same basis that said board is empowered to supply library services to the inhabitants of the subdivision maintaining said library. The board of trustees of a public library may establish branch libraries, library stations, and may provide traveling book service, and may do any and all other things necessary to provide county wide library service as it is empowered to do in rendering service to the residents of the sub-division maintaining said library, except in another sub-division maintaining a public library participating in the proceeds of classified property taxes. [119 v S 310, s 1, 115 v Pt 2, 412, 115 v 590, 113 v 670, 112 v 400, s 20 Eff. May 14, 1941]

Sec 5625-24 Budget commission shall adjust amounts required; revision of estimate: distribution. The budget commission shall so adjust the estimated amounts required from the general property tax for each fund, as shown by such budgets, as to bring the tax levies required therefor within the limitations specified in this act for such levies, but no levy shall be reduced below a minimum fixed by law. It shall have authority to revise and adjust the estimate of balances and receipts from all sources for each fund and shall determine the total appropriations that may be made there-

from The budget commission shall also have authority to fix the amount of proceeds of classified property taxes, collected within the county, to be distributed to each board of public library trustees which shall have qualified or be qualified as provided in section 5625-20 of the General Code for participation in the proceeds of such taxes, the amount of proceeds of such taxes, collected within the county, to be distributed to each board of township park commissioners, the amount of proceeds of such taxes originating outside the limits of municipal corporations, to be distributed to the county, and the amount of proceeds of taxes originating within each municipal corporation, to be distributed to each municipal corporation and shall separately set forth the amount so fixed and determined in the "official certificate of estimated resources," as provided in section 5625 26 of the General Code, and separately certify such amount to the county auditor who shall be guided thereby in the distribution of the undivided classified property tax fund for and during the fiscal year. In determining such amounts the budget commission shall be guided by the estimate of the county auditor under section 5625-23 of the General Code as to the total amount of such undivided classified taxes to be collected in the county during such fiscal year; and as to the shares thereof distributable to municipal corporations and to the county, pursuant to section 5639 of the General Code, as the case may require [115 v 590, 112 v 402, § 24 Eff July 18, 1933]

NOTE—The powers vested by the budget act, § 5625-24, in the county budget commission and in the tax commission of Ohio with reference to the making of allotments to boards of trustees of public libraries, qualified to participate in the classified property tax fund, are broad and discretionary in nature, and in the absence of a clear abuse thereof, a writ of mandamus will not issue *State v Davis*, 131 O S 380, 3 N E (2d) 49

Sec 5625-28 Appeal to tax commission of Ohio. The taxing authority of any subdivision which is dissatisfied with any action of the budget commission may, through its fiscal officer, appeal to the tax commission of Ohio, which commission shall forthwith consider the matter or matters presented to the budget commission, and shall have power to modify any action of the budget commission with reference to the budget, the estimate of revenues and balances or the fixing of tax rates. The finding of the tax commission shall be substituted for the findings of the budget commission, and shall be certified to the county auditor and the taxing authority of the subdivision affected as the action of such budget commission under this act.

Nothing in this section shall be construed as giving the tax commission any authority to place any tax levy outside of the ten mill limitation, that is authorized by law within such limitation, nor to reduce any levy below any minimum fixed by law [115 v Pt. 2, 3d s ses H. 9; 112 v 404, § 28 Eff June 29, 1934]

Sec 5638 Classification of intangible property and rate of taxation. Annual taxes are hereby levied on the kinds and classes of intangible property, hereinafter enumerated, on the grand classified tax list and duplicate of the state of Ohio at the following rates to-wit:

Investments, six per centum of income yield for the year 1935 and five per centum of income yield thereafter; unproductive investments, two mills on the dollar; deposits, two mills on the dollar; and moneys, credits and all other taxable intangibles so listed three mills on the dollar. The object of the taxes so levied are those declared in section 5639 of the General Code to which only such taxes shall be applied. [115 v. Pt. 2, 2d. s. ses. S. 49; 115 v. 592, 114 v. 722, 112 v. 385, § 21; 102 v. 477; R. S. § 2825. Eff. Dec. 13, 1934]

Sec. 5639. Distribution of undivided classified property tax fund. At the first settlement of undivided classified property taxes, the county treasurer shall distribute the undivided classified property tax fund in the county treasury as follows:

To the state of Ohio, one-fourth of one per cent thereof, which when paid into the state treasury in the manner provided by law shall constitute a fund for the use of the tax commission of Ohio in administering the system for the assessment of tangible and intangible personal property and shall not be used or appropriated for any other purpose.

To each board of public library trustees in the county, which shall have qualified or be qualified according to law for participation in such fund, fifty per centum of the amount set forth in the annual budget and allowed by the budget commission as a receipt from this source. The amount or amounts so distributed, together with the fees of the auditor and treasurer, shall be deducted pro rata from the shares of the undivided classified property taxes originating in the several municipal corporations in the county, and in the territory outside of the municipal corporations therein, respectively.

To each municipal corporation in the county, one-half of such amount, out of the remainder of such undivided taxes originating therein, after making the deduction required by the first sub-paragraph of this section, as the budget commission shall have allowed as a receipt from this source; but if the budget commission shall have allowed to the board of township park commissioner of a township park district, the boundaries of which are co-extensive with or contained within the boundaries of any municipal corporation, an amount as a receipt from this source, the amount so allowed shall be deducted from the share of such municipal corporation hereunder and distributed to such board of township park commissioners and the balance only shall be distributed to such municipal corporation.

To the county, one-half of such amount, out of the remainder of such undivided taxes originating in the territory thereof, outside the limits of municipal corporations therein, as the budget commission shall have allowed as a receipt from this source; but if the budget commission shall have allowed to the board of township park commissioners of a township park district, the boundaries of which are not co-extensive with or contained within those of any municipal corporation in the county, an amount as a

receipt from this source, the amount so allowed shall be deducted from the share of the county hereunder and distributed to such board of township park commissioners and the balance only shall be distributed to the county.

The residue, if any, in said undivided classified property tax fund, after making the deductions required by the preceding paragraphs, shall remain in the undivided classified property tax fund, and shall be distributed as a part of said fund at the second settlement of undivided classified property taxes, as follows:

To the state of Ohio, one-fourth of one per cent thereof, which when paid into the state treasury in the manner provided by law shall constitute a fund for the use of the tax commissioner of Ohio administering the system for the assessment of tangible and intangible personal property and shall not be used or appropriated for any other purpose

To each board of public library trustees in the county, which shall have qualified or be qualified according to law for participation in such fund, fifty per centum of the amount set forth in the annual budget and allowed by the budget commission as a receipt from this source. The amount or amounts so distributed, together with the fees of the auditor and treasurer, shall be deducted pro rata from the shares of the undivided classified property taxes originating in the several municipal corporations in the county, and in the territory outside of the municipal corporations therein, respectively.

To each municipal corporation in the county, one-half of such amount, out of the remainder of such undivided taxes originating therein, after making the deductions required by the first sub-paragraph of this section, as the budget commission shall have allowed as a receipt from this source; but if the budget commission shall have allowed to the board of township park commissioners of a township park district, the boundaries of which are co-extensive with or contained within the boundaries of any municipal corporation, an amount as a receipt from this source, the amount so allowed shall be deducted from the share of such municipal corporation hereunder and distributed to such board of township park commissioners and the balance only shall be distributed to such municipal corporation

To the county, one-half of such amount, out of the remainder of such undivided taxes originating in the territory thereof, outside the limits of municipal corporations therein, as the budget commission shall have allowed as a receipt from this source; but if the budget commission shall have allowed to the board of township park commissioners of a township park district, the boundaries of which are not co-extensive with or contained within those of any municipal corporation in the county, an amount so allowed shall be deducted from the share of the county hereunder and distributed to such board of township park commissioners and the balance only shall be distributed to the county.

All moneys received into the treasury of a municipal corporation or into

the treasury of a county shall be credited to the general fund therein. Provided, however, that in a municipal corporation there shall be credited to the funds established under paragraph (d) of section 5625-9 of the General Code a portion of the total amount to be credited to funds of the municipal corporation, which portion shall be determined by multiplying the total amount to be credited by the percentage which the funds credited under paragraph (d) of said section in 1938 were to all the funds credited under said section in the year 1938. Provided further that where a municipal corporation is in default with respect to the principal or interest of any outstanding notes or bonds, the taxes distributed under the provisions of this paragraph shall be credited to the funds established under paragraphs (a), (b), (c), and (d) of section 5625-9 of the General Code, in the same proportion in which the funds derived from the levy for the previous year on the general tax list and duplicate are divided

The residue of the undivided classified property tax fund, together with the amount distributed to the county under section 5414-22* of the General Code, shall constitute the county school tax fund, and be distributed among all the school districts in the country (excepting the county school district) in the manner provided by law [119 v S 310, s 1; 118 v 54, s 1, 115 v 592; 102 v 448, s 2, R.S s.2825. Eff. May 14, 1941]

Sec 5639-1 Allocation of classified property tax fund residue to poor relief. If, in the years 1941 and 1942, the county budget commission of any county shall determine that municipalities and townships are in need of funds for relief purposes, such county budget commission may, by resolution duly passed, request and direct the county treasurer, in lieu of distributing the residue of the undivided classified property tax fund, and the second half settlement as provided in section 5639, to distribute such surplus or residue as remains over and above the amount of residue allocated to the county school tax fund in the year 1936, in accordance with such allocations as the county budget commission may make among the municipalities and townships on the basis of their respective relief needs, and such surplus funds may be used for poor relief, as defined by law

Provided, however, that such money may be used by the municipalities and townships for the purpose of sponsoring their respective shares of work relief projects within the works progress administration, when in the discretion of the officials of said municipalities and townships, the utilization of the fund in such manner would reduce the total local cost of relief. The county budget commission is authorized to reconvene for the purpose set forth in this act. [118 v S 252, § 1, 117 v 721; 117 v 275, § 1. Eff Sept 4, 1941]

M. SCHOOL LIBRARIES

(Ohio General Code, 1936, Civil Code, p 625, 636, 651, s 7631, 7655-2, 7655-3, 7655-4, 7713-1)

Definite requirements for libraries in senior high schools and junior high schools have been

set by the State Director of Education under the authority to set standards given by section 7651. For information about these standards, consult the State Director of Education or the Ohio State Library.

Sec 7631 Establishment of public library. The board of education of any school district may provide for the establishment, control and maintenance of a school library or libraries for the purpose of providing school library service to the pupils under its jurisdiction, or may contract with any public board, association, or other organization operating a public library in a community, to furnish such school library service, the board of education paying all or part of the expense thereof, including the salaries of school librarians, as and for compensation for the service rendered.

Such boards of education shall also have the power to purchase, erect, construct, enlarge, extend or improve a building or buildings for library purposes, including a site or sites therefor, and equipping and furnishing the same [115 v Pt 2, 2d, s ses S 62, 110 v 407, 104 v 228, 98 v 244, s 1 Eff March 8, 1935]

Sec 7713-1 Method of purchasing books The provisions of sections 7709, 7710, 7711, 7712 and 7713 of the General Code shall not apply to the purchase of supplementary reading books, library books, reference books or any other books except text books, required by the board of education. All of such books except text books, required by boards of education, shall be ordered, received, examined and paid for in the same manner and by the same persons as other supplies and equipment [111 v 404]

Sec 7655-2 Rural elementary school, first grade Each one room school in any rural school district which shall fulfill the requirements of this section shall be considered a rural elementary school of the first grade. Such requirements are as follows * * *

(c) Library of not less than 50 volumes * * * [104 v 127]

Sec 7655-3 Consolidated elementary school, second grade. Each consolidated school in any village or rural school district which shall fulfill the requirements of this section shall be considered a consolidated elementary school of the second grade. Such requirements are as follows * * *

(d) Library of not less than 100 volumes * * * [104 v 128]

Sec. 7655-4 Consolidated elementary school, first grade. Each consolidated school in any village or rural school district which shall fulfill the requirements of this section shall be considered a consolidated elementary school of the first grade. Such requirements are as follows: * * *

(e) Library of not less than 150 volumes * * * [104 v. 128]

N. COUNTY LAW LIBRARIES

(Ohio General Code, 1936, Political Code, p 1261, 1262, s 3054, 3055, 3057.
Ibid 1940 Suppl p 158, 159, s 3056 to 3056-4, 3058)

Sec 3054 Compensation of librarian. The judges of the court of common pleas of any county in which there is a law library association which

furnishes to all of the county officers and the judges of the several courts in the county admission to its library and the use of its books free of charge, upon the appointment by the trustees of such library association of a person to act as librarian thereof, shall fix his compensation, which shall be paid from the county treasury. In counties where not more than one judge of the court of common pleas holds regular terms of court at the same time, the compensation so to be paid such librarian shall not exceed the sum of five hundred dollars per annum [70 v. 162; 97 v. 72.]

Sec 3055. Commissioners to provide for library. For the use of such law library, the board of county commissioners of the county shall provide at the expense of the county, a suitable room or rooms with sufficient and suitable bookcases, in the county courthouse, or if there is no suitable room to be had therein, any other suitable room or rooms at the county seat, and shall heat and light them. The books and furniture of the law library association used exclusively in such library, shall be exempt from taxation. [69 v. 165, 98 v. 18]

Sec 3056. Allowance to law libraries of fines from municipal court, etc. All monies collected by a municipal corporation, accruing from fines, penalties, forfeited deposits or forfeited bail bonds or forfeited recognizances taken for appearances, by a municipal court, police court or mayor's court for offenses and misdemeanors brought for prosecution in the name of a municipality under a penal ordinance thereof, where there is in force a state statute under which the offense might be prosecuted, or prosecuted in the name of the state, except a portion thereof, which plus all costs collected monthly in such state cases, equals the compensation allowed by county commissioners to the judges of the municipal court presiding in police court, clerk and prosecuting attorney of such court in state cases, shall be retained by the clerk of such municipal, police, or mayor's court, and be paid by him forthwith, each month, to the trustees of such law library association in the county in which such municipal corporation is located, but the sum so retained and paid by the clerk of said municipal, police, or mayor's court to the trustees of such law library association shall in no month be less than 25% of the monies arising from such fines, penalties, and forfeited deposits, forfeited bail bonds and forfeited recognizances, taken for appearances, in that month, without deducting the amount of the allowance of the county commissioners to said judge, clerk and prosecutor

Provided, however, that the total amount paid hereunder in any one calendar year by the clerks of all municipal, police and mayor's courts in any one county to the trustees of such law library association shall in no event exceed \$7,500 00 and the maximum amount paid by any one of such courts shall in no event exceed \$3,000 00 in any one calendar year. The maximum amount to be paid hereunder by each such clerk shall be determined by the county auditor in December of each year for the next succeeding calendar year, and shall bear the same ratio to \$7,500.00 as the

total fines, costs and forfeitures received by the corresponding municipality, bear to the total fines, costs and forfeitures received by all the municipalities in the county, as shown for the last complete year of actual receipts, on the latest available budgets of such municipalities; and payments in the full amounts hereinbefore provided shall be made monthly by each clerk in each calendar year until the maximum amount for such year shall have been paid. When such amount, so determined by the auditor, shall have been paid to the trustees of such law library association, then no further payments shall be required thereunder in that calendar year from the clerk of such court. [118 v. S 46, § 1; 114 v. 89; 113 v. 249; 101 v. 295; R.S. § 2680. Eff. Aug 31, 1939.]

Sec 3056-1. Allowance of 50% of monies collected by justices. In each county of the state, 50% of all monies collected by justices of the peace of such county, accruing from fines, penalties, forfeited recognizances, and forfeited cash deposits, unless otherwise distributed by law, shall be paid to the trustees of the law library association of such county by the county treasurer thereof, upon the voucher of the auditor of such county within thirty days after such monies have been paid into the county treasury by such justices of the peace [118 v S 46, § 1. Eff Aug 31, 1939]

Sec. 3056-2 Use of other monies. In each county of the state, all monies arising from fines and penalties levied, and from cash deposits, bail bonds and recognizances taken by the common pleas and probate courts of such county, which have become forfeited, on account of offenses and misdemeanors brought for prosecution in such courts in the name of the state, shall be retained and paid monthly by the clerk of such courts to the trustees of such law library associations, but the total sums so paid therefrom shall not exceed \$1250 00 per annum, and when that amount shall have been paid to the trustees of such law association, in accordance with the provisions of this section, then no further payments shall be required thereunder in that calendar year from the clerks of such respective courts. [118 v S 46, § 1 Eff Aug 31, 1939]

Sec 3056-3 Use of 50% of all monies arising from fines, etc., under liquor and traffic laws. In each county, 50% of all monies arising from fines, penalties, forfeited deposits and forfeited bail bonds and recognizances taken for appearances on account of offenses brought for prosecution in any court in such county, under the liquor control act, and the state traffic laws or any amendment or modification of said acts, shall be paid monthly by the treasurer of such county or municipality to the trustees of the law library association in such county, but the sum so paid to such trustees by each respective treasurer under the provision of this section shall not exceed \$1200 00 per annum, under the liquor control act, and when that amount shall have been so paid to the trustees of such law library association, in accordance with the foregoing provisions of this section, then no further payments shall be required thereunder in that calendar year from

such respective treasurers. [118 v. S. 46, §1. Eff. Aug 31, 1939.]

Sec. 3056-4. Expenditure of money for law books. The money so paid under the foregoing sections of the statute shall be expended in the purchase of law books and in maintenance of such law library associations. [118 v. S 46, § 1. Eff. Aug 31, 1939]

Sec. 3057 Use of the library. Justices of the peace in the county and officers of the townships, villages and cities therein, shall have the same free use of the books of the library receiving such moneys, as the judges and county officers [69 v. 165; 94 v. 135]

Sec 3058 Annual statement to auditor. On the first Monday of each year, the trustees of the association shall make a detailed statement to the auditor of the county, verified by the oath of the treasurer of the association, of the amount of the fines and penalties so received, and of the money expended by the association

In the event the total amount received under sections 3056, 3056-1, 3056-2 and 3056-3 of the General Code during the preceding calendar year covered by such report exceeds the expenditures during the same period, the county auditor shall certify such fact to the trustees of the association, who shall thereupon direct the treasurer of the law library association to refund or repay, pro rata to the treasurers of the political subdivisions from which such balance was received, not less than 90 per cent of any unencumbered balance on hand from the preceding year. [118 v S 46, §, 1, R S § 2680 Eff Aug 31, 1939.]

O. RETIREMENT SYSTEMS

(1) PUBLIC EMPLOYEES RETIREMENT SYSTEM

(Ohio General Code, 1936, Political Code, *Ibid* 1939 Suppl p 14, s 486-32)

Only one section of the law dealing with this subject is given below For full information regarding this law see Ohio Code, sections 486-32, 486-33—486-46, 486-49—486-72, 486-74—486-75

Sec 486-32 Definitions. That the following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings * * *

(22) "Original member" of the public employes retirement system as applied to the state employes shall mean a state employe who was at any time a state employe prior to the thirty-first day of December, 1934, whether or not such employment has been continuous, and who shall become a member of the retirement system on or before December 31, 1934, except as provided in section 486-56 of the General Code As applied to county, municipal, park district, conservancy, health and public library employes "original member" of public employes retirement system shall mean a county, municipal, park district, conservancy, health or public library employe who was at any time a county, municipal, park district, conservancy, health or public library employe prior to the thirtieth day of June, 1938, whether or not such employ-

ment has been continuous, and who shall become a member of the retirement system on or before June 30, 1938.

(23) "New member" of the public employees retirement system as applied to state employees shall mean a state employee who shall have become a state employee and a member of the retirement system at a date subsequent to December 31, 1934, except as provided in section 486-56 of the General Code. As applied to county, municipal, park district, conservancy, health or public library employees "new member" of the public employees retirement system shall mean a county, municipal, park district, conservancy, health or public employee who shall have become a county, municipal, park district, conservancy, health or public library employee and a member of the retirement system at a date subsequent to June 30, 1938 * * * [117 v Pt 2, 2d, s. ses. S.442; H 776, 117 v S 253, 117 v S 81, 115 v 614 Eff June 14, 1938.]

(2) LIBRARY RETIREMENT SYSTEMS.

(Ohio General Code, 1936, Civil Code, p 690, s 7889)

Sec 7889 **Retirement with annuities, insurance or other provision for employees of public libraries.** The governing board of any public library, created or existing under the provisions of G C §§ 7635 to 7640-1, inclusive, or 14993*to 15005, inclusive, or 15060, which has not less than 75 full time employees, may provide for the retirement with annuities, insurance, or other provisions of employees of any such library The library board of such library may provide for a system of retirement, insurance, or other provision for its employees and may appropriate and pay the board's portion provided in such system or plan out of the funds received to the credit of such board by taxation or otherwise Each employee of such library who is to be included in a system of retirement shall contribute to the retirement fund not less than four per centum per annum of his salary from the time of his eligibility to join the retirement system to the time of his retirement. If a group insurance plan is installed by any such library, not less than fifty per centum of the cost of such insurance shall be borne by the employees included in such plan [112 v 250, § 1; 111 v 38, §2, 102 v 445; 101 v.306; R.S. §§3897b to 3897j, inc. Eff. June 30, 1927]

P. GENERAL AND MISCELLANEOUS PROVISIONS

(1) CIVIL SERVICE

(Ohio General Code, 1936, Political Code, p 125, s 486-8)

Sec. 486-8. **Civil service exemptions.** The civil service of the state of Ohio and the several counties, cities and city school districts thereof shall be divided into the unclassified service and the classified service

- (a) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required in this act. * * *

7 All presidents, directors, superintendents, principals, deans, assistant

deans, instructors, teachers and such employes as are engaged in educational or research duties connected with the public school system, colleges and universities; and the library staff of any library in the state supported wholly or in part at public expense. * * * [103 v 698; 106 v. 404; 111 v. 7.]

(2) CONTRACTS FOR LIBRARY SERVICE

(Ohio General Code, 1936, Civil Code, p 625, s 7632)

Sec. 7632 Tax levy for support of public library. The board of education of any school district, the council of any municipality, or the trustees of any township may contract with the library trustees of any public library appointed by authority of law, or with any private corporation or library association maintaining a free public library, situated within or without said taxing district, to furnish library service to all the inhabitants of said taxing districts, and may levy a tax therefor. Such tax levying authority shall require an annual report in writing from such library board, private corporation or library association. Where such tax for library purposes has been so levied, at each semi-annual collection thereof, the county auditor shall certify the amount collected to the proper officer of the taxing district who shall forthwith draw his warrant for such amount on the treasurer of such district payable to the proper officer of such library [110 v 407]

(3) ISSUANCE OF BONDS

(Ohio General Code, 1936, Political Code, p 1502, 1503, 1070, s 4005-1 to 4005-5, 2293-4)

Sec. 4005-1. Issuance of bonds; control of property vested in trustees; agreement with library organization. In any municipality where there is or may hereafter be a library organization created by will or otherwise for the purpose of maintaining in perpetuity a public library, and which organization is endowed and owns and maintains a library, the trustees mentioned in General Code, section 4004, may request the taxing authority of the municipality to submit to the electors the question of issuing bonds, in accordance with the provisions of General Code, section 4005-2, for the purpose of purchasing, erecting, constructing, enlarging, extending or improving a building or buildings for library purposes, including a site or sites therefor, and equipping and furnishing the same. The acquisition of such improvement, including the maintenance and control of the building or buildings and property acquired, shall be vested in the trustees mentioned in General Code, section 4004, and said trustees may enter into an agreement in writing with such library organization whereby said library organization may occupy all or a part of such building or buildings, and conduct, operate and maintain therein a free public library, the period of each such agreement to be not less than ten nor more than twenty-five years. Such library organization shall administer, operate and control such library in accordance with said agreement and in terms of the trust creating such organization, providing the

same is free to all the inhabitants of the municipality. And said trustees mentioned in General Code, section 4004, may enter into similar agreement with any historical or other educational association whereby a part of said building or buildings may be used by such organization for the housing and displaying of its property and effects, providing the same is free to all inhabitants of the municipality. [115 v. Pt 2, 2d. s ses S.62, 107 v 613 Eff. March 8, 1935]

Sec. 4005-2. Submission of question; resolution by board; issuance and sale of bonds; disposition of proceeds. Any public library board charged by law with the title, custody, control and maintenance of a public library in the state may request the taxing authority of the political subdivision to the jurisdiction of which such board is subject, to submit to the electors of such subdivision the question of issuing bonds for the purpose of purchasing, erecting, constructing, enlarging, extending or improving a building or buildings for library purposes, including a site or sites therefor, and equipping and furnishing the same. Such request shall be made by resolution duly adopted by the library boards, which resolution shall declare the necessity of the issuance of such bonds and fix the amount and purpose thereof, and shall further recite whether or not notes shall be issued in anticipation of the issuance of such bonds. A copy of such resolution shall be certified by the library board to the taxing authority of such subdivision not later than the fifteenth day of August preceding the November election at which the question of the issuance of such bonds will be submitted to the electors of said subdivision, as provided by law. The submission of the question of the issuance of such bonds to the electors, the issuance, sale, characteristics and requirements for the interest and retirement levies, and the method and means for payment of said bonds or notes, if notes are to be issued in anticipation of the issuance of such bonds, shall conform to article XII, section 11, of the constitution and the provisions of the General Code governing the issuance, sale, characteristics and levies for, and method and means of payment of, bonds or notes issued by such subdivision pursuant to a vote of the electors. Such bonds or notes shall be sold and issued by the proper officer or officers as may be provided by law for the sale and issuance of bonds of such political subdivision to the jurisdiction of which said public library board is subject, and the indebtedness created thereby shall be deemed and constitute a part of the indebtedness of such subdivision and subject to the limitations imposed by law on the creation of indebtedness by such subdivision. The proceeds of the sale of such bonds shall be transferred by the fiscal officer of such political subdivision to the public library board for the benefit of which the bonds were issued and shall be appropriated to and expended only for the purposes for which issued and in the manner provided by law [115 v Pt 2, 2d s ses, S 62, Eff. March 8, 1935]

Sec. 4005-3 Payment of interest; retirement of bonds; annual levy. After the issue of any notes or bonds under authority of the provisions of

General Code, section 4005,2, the public library board on behalf of which said bonds are issued shall annually certify, on or before July 1, in each year, to the taxing authority of the political subdivision to the jurisdiction of which such board is subject, a sufficient amount to pay the interest on and to retire at maturity such bonds or notes, and such taxing authority shall annually include in its budget the amount so certified and as required to pay the interest on and to retire such bonds or notes at maturity, and shall levy the necessary tax therefor as provided by law.

Such public library board may appropriate and apply any monies in its possession and control, and which may be available and unappropriated for other purposes, to the payment of the principal of and interest on such bonds or notes. Any monies so to be applied shall be so appropriated by resolution of the library board and transferred to the board of officers having charge of the retirement fund for such bonds to be applied to the payment of such bonds and for no other purposes

The annual interest and retirement charges to be levied in each year as herein provided shall then be reduced by such amounts of monies as may be otherwise made available [115 v Pt 2, 2d s ses S 62. Eff March 8, 1935]

Sec. 4005-4. Control and management of fund. Where bonds are issued pursuant to the provisions of General Code, section 4005-2, the board or officer of the political subdivision issuing such bonds having charge of the sinking fund and/or bond retirement fund of such subdivision shall have the control and management of all monies and securities for the payment of interest on and for the redemption of the principal of such bonds, and shall have and exercise the same powers of control and management thereof as may be provided by law for the management and control of the sinking or bond retirement fund for all bonds of such political subdivision [115 v. Pt. 2, 2d s ses S 62 Eff March 8, 1935]

Sec 4005-5 Public library boards may participate in federal aid; issuance of bonds; question submitted to electors, when. For the purpose of enabling public library boards to participate in the federal aid provided by the national industrial recovery act, the emergency relief appropriation act of 1935, or both, or any acts amendatory thereof or supplementary thereto, or extending the effective period thereof, or re-enacting the same, and for such purpose only, where bonds are to be issued for public library improvements subject to the control and management of such public library boards and are to be purchased by the United States or any instrumentality thereof, the public library board may request the taxing authority of the political subdivision to the jurisdiction of which such board is subject, to cause the necessary bonds to be issued for the purpose of purchasing, erecting, constructing, enlarging, extending or improving a building or buildings for library purposes, including a site or sites therefor, and equipping and furnishing the same, pursuant to and in accordance with the terms and provisions of House Bill No 544 and Senate Bill No. 352 of the 91st General Assembly of Ohio,

or any acts amendatory thereof, or supplements thereto, or extending the effective period thereof, or reenacting the same; or may request the taxing authority of the political subdivision to the jurisdiction of which said board is subject, to submit to the electors the question of issuing bonds for the purpose of purchasing, erecting, constructing, enlarging, extending or improving a building or buildings for library purposes, including a site or sites therefor, and equipping and furnishing the same, pursuant to and in accordance with the terms and provisions of House Bill No. 544 and Senate Bill No. 352 of the 91st General Assembly, or any acts amendatory thereof, or supplementary thereto, or extending the effective period thereof, or reenacting the same. The procedure for the authorization and issuance of such bonds shall be as provided in General Code section 4005-2 in so far as the same may not be inconsistent with the provisions of said House Bill No. 544 and Senate Bill No. 352 of the 91st General Assembly of Ohio, or any acts amendatory thereof, or supplementary thereto, or extending the effective period thereof, or reenacting the same, except that the resolution of such public library board requesting the submission to the electors of the question of issuing such bonds may be submitted at any date prior to thirty days preceding the date of the proposed election, and shall also recite that such request is made for the purpose of taking advantage of the provisions of said House Bill No. 544 and Senate Bill No. 352 of the 91st General Assembly of Ohio, or any acts amendatory thereof, or supplementary thereto, or extending the effective period thereof, or reenacting the same, and shall further state whether or not the question of the issuance of such bonds shall be submitted at the next ensuing November election or at a primary election, if any there is preceding the next ensuing November election, or at a special election to be called for that purpose [116 v Pt 2, 1st s ses H 599; 115 v Pt 2, 275 Eff Sept 30, 1935]

Sec. 2293-4. May borrow money and issue notes in anticipation of the collection of current revenues. In anticipation of the collection of current revenues in and for any fiscal year, the taxing authority of any subdivision may borrow money and issue notes therefor, but the aggregate of such loans shall not exceed one-half of the amount estimated to be received from the next ensuing settlement of taxes for such fiscal year as estimated by the budget commission, other than taxes to be received for the payment of debt charges, and all advances, but whenever a partial, semi-annual or final tax settlement is delayed, such borrowing authority may be exceeded and money borrowed in anticipation of the receipt of taxes for debt charges to the extent necessary to meet such debt charges but not in excess of such estimated receipts, less all advances. The sums so anticipated shall be deemed appropriated for the payment of such notes at maturity. The notes shall not run for a longer period than six months and the proceeds therefrom shall be used only for the purposes for which the anticipated taxes were levied, collected and appropriated. No subdivision shall borrow money

or issue certificates in anticipation of such taxes before January first of the year of such tax receipts

In anticipation of the collection of current revenues in and for any fiscal year, other than the proceeds of taxes levied by the subdivision upon the duplicate of such subdivision, the taxing authority of any subdivision, shall have authority, in addition to the authority provided in the preceding paragraph, to borrow money and issue notes therefor, but the aggregate of such loans shall not exceed one-half of the amount estimated to be received from such sources during such fiscal year, less any advances thereon. The sums so anticipated shall be deemed appropriated for the payment of such notes at maturity. The notes shall not run for a longer period than six months and the proceeds therefrom shall be used only for the purposes for which the anticipated revenues are collected and appropriated.

The power conferred by this section shall be vested in any board of library trustees, board of township park commissioners to which the budget commission shall have allotted a share of the undivided classified property tax fund collected within the county, to be exercised after January first in any year in anticipation of the collection of the amount so allotted for such year.

Power conferred by this section shall be vested in the boards of trustees authorized by sections 4600 and 4616 of the General Code to be exercised after January 1, in any year in anticipation of the collection of taxes for such year. The aggregate of such loans shall not exceed one-half the amount distributable to such board at the next settlement of such taxes for such fiscal year as fixed by the budget commission, other than advances. All the provisions of this section, so far as applicable, shall govern such board in the issuance of such notes and the appropriation and expenditure of the proceeds thereof, and of the revenues so anticipated. [118 v S 19, § 1, 116 v Pt 2, 272, 115 v 549, 112 v 365 Eff Mar 8, 1939]

(4) MUSEUMS

(Ohio General Code, 1930, Civil Code, p 628, § 7643)

Sec 7643 Museum. The board of education of any school district, or board of trustees managing and controlling a library in any school district, may found and maintain a museum in connection with and as an adjunct to such library, and for such purpose may receive bequests and donations of money or other property. [96 v 9 § 7]

(5) PROTECTION OF LIBRARY PROPERTY

(Ohio General Code, 1930, Penal Code, p 40, § 12488)

Sec 12488 Destroying or defacing newspapers. Whoever intentionally defaces, obliterates, tears or destroys, in whole or in part, a newspaper, magazine or periodical on file in the reading-room belonging to another person, or cuts therefrom an article or advertisement, shall be fined not less than ten

dollars nor more than one hundred dollars or imprisoned not more than thirty days, or both [63 v 8]

(6) SALE OF REAL PROPERTY

(Ohio General Code, 1936, Political Code, p 1651, s 4756)

Sec 4756 **How real or personal property may be sold.** When a board of education decides to dispose of real or personal property, held by it in its corporate capacity, exceeding in value three hundred dollars, it shall sell such property at public auction after giving at least thirty days' notice thereof by publication in a newspaper of general circulation or by posting notices thereof in five of the most public places in the district in which such property is situated. When the board has twice so offered a tract of real estate for sale at public auction and it is not sold, the board may sell it at private sale, either as an entire tract or in parcels, as the board deems best. Provided, however, that in case the board of education decide to dispose of such real property, it may sell and convey the same to any municipality or board of trustees of the school district in which such real estate is situated, upon such terms and conditions as may be agreed upon. The president and clerk of the board shall execute and deliver deeds necessary to complete the sale or transfer provided for by this section. [115 v 238, 103 v 536; R S 3971 Eff Sept 4, 1933]

(7) DEPOSIT OF LIBRARY FUNDS

(See Uniform Depository Act, Ohio General Code, 1936, p 172-175, s 2296-1 to 2296-15)

OKLAHOMA

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A. STATE LIBRARY

(Oklahoma Stats 1941, Title 65, p 2030-2032, s 21-40, Title 74, p 2531, s 254, Title 74, p 2538, s 281, Title 75, p 2557-2560, s 14, 21, 36, 37)

Sec. 21 **Creation and location.** There is hereby created a public library which shall be known as the "Oklahoma Library," and which shall be located at the capital of said State [R L 1910, s 7240]

Sec 22. **Contents.** Said library shall consist of all law books, miscellaneous books, pamphlets, maps, charts, pictures, documents, and all other literary matter now owned by said state, or which shall be hereafter acquired either by purchase, gift, exchange or otherwise [R L 1910, s 7241]

Sec. 23. **Library fund.** The amount received from fines and forfeitures under this article, together with any money received from any other source shall constitute a fund known as the "Library Fund," which shall be expended in the purchase of additional books, and the maintenance of said library, by the librarian, under the direction and approval of the board of directors. [R.L.1910, s 7242]

Sec. 24. **Management.** The management, supervision, government and control of such library shall be, and hereby is, vested in the justices of the supreme court of the State, who shall constitute and be known as the board of directors of such library. [R L.1910, s.7243.]

Sec. 25. **Powers of Board of Directors.** The board of directors shall have power to adopt all rules necessary for the regulation of such library

not inconsistent with the provisions of this article, and to enforce all penalties herein imposed. [R.L.1910, s.7244.]

Sec. 26. State Librarian; appointment and tenure. The office of the State Librarian is hereby created, who shall be appointed by the board of directors of said library, and hold office at their pleasure. [Laws 1913, ch.159, p 327, s.1.]

Sec. 28. Bond of librarian; oath and receipt. The librarian shall, before entering upon the duties of his office, file with the secretary of state his receipt for all property entrusted to him, take and subscribe the oath of office, and give a bond of ten thousand dollars, with sureties to be approved by the Board of Directors, conditioned for the safe-keeping of such property as may be entrusted to his care, and the faithful performance of his duties as such officer; said bond and receipts shall be filed in the office of the secretary of state, and they shall not be canceled until the receipt of his successor for the property delivered over to him shall be obtained, and payment for all deficiencies which may exist [R.L 1910, s.7246.]

Sec 29. Duties of state librarian The librarian shall cause to be kept a register of all books so issued and returned at the time they shall be so issued and returned, and no books except the law journals and reports of the supreme court of the State which may be taken from the library, shall be detained more than ten days, and all books taken out by the officers and members of the legislature shall be returned at the close of the session. The librarian shall, on or before the first Monday in each year, report to the governor the condition of the library, stating the number of volumes contained therein, the number of volumes purchased during the year and the cost thereof, the number of volumes received by donation, the number of volumes injured and not returned, if any, and the amount received in compensation therefor, and such further information as may be deemed by him or the board of directors desirable. It shall be the duty of the librarian to label each book with a printing or stamping label, with the words "Oklahoma Library," and also to write or stamp the same words on the title page and page fifteen of each book. The library shall be kept open for the accommodation of the public every day in the year, between the hours of eight o'clock A M to nine o'clock P M., Sundays and legal holidays excepted. The librarian shall be in attendance in person or by his assistant during the hours the library is to be kept open, and perform the duties imposed on him by law or prescribed by the rules and regulations of the board of directors. The librarian shall keep a register or catalogue of all books acquired by the library, whether by gift or otherwise, so arranged as to show the title of the book so acquired, the time of its purchase or donation, from whom purchased or by whom donated, and the price paid therefor, and by whom published. The librarian, acting by and with the consent of the board of directors, shall secure some suitable place to be used for the purpose of keeping the books belonging to the

library. He shall have made suitable shelving and other furniture and fixtures necessary for the proper accommodation and use in the library, which shelving, furniture and fixtures, shall be purchased by him out of the annual appropriation provided by this act [R.L 1910, s 7247]

Sec 30 Penalty for unauthorized removal of books. If the librarian shall permit or allow any unauthorized person to remove any book from the library, he shall be liable, on conviction thereof, to pay a fine of not less than five nor more than twenty-five dollars for every book so taken, and such fine, when collected and paid, shall be paid into the state treasury, and become a part of the library fund [R L 1910, s 7248]

Sec 31 Librarian to supply other states with state publications. The librarian is hereby authorized and directed to send one copy each of all reports, session laws, journals of the senate and of the house of representatives, and other books and pamphlets hereafter published, to every one of the states and territories for the use of their respective libraries [R L 1910, s 7249]

Sec 33 Sale or exchange of duplicate books. The librarian, with the consent of the board of directors, may sell or exchange any surplus or duplicate set of reports or books in the library, and the money arising from such sale shall be paid into the state treasury and become a part of the library fund [R L 1910, s 7251]

Sec 34 Duplicate bills. The librarian shall require duplicate bills for all books purchased and necessities furnished for the library, one of which bills he shall keep on file in his office in the library, and the other, when approved by the board of directors, shall be filed with the state auditor, who shall, upon such voucher, draw his warrant on the state treasurer against said library fund for the amount thereof [R L 1910, s 7252]

Sec 35 Persons entitled to books. Books may be taken from the library by members of the legislature and its officers, during the session of the legislature, and by the officers of the executive department of the State, and by the judges of the supreme and district courts and the criminal court of appeals, and no other person shall be permitted to take or detain from the library at any time any book whatever Provided, that any attorney practicing before the supreme court or criminal court of appeals may take from the library any book necessary in the trial of a cause pending before such court, but if any such book so taken be lost or injured, or not returned, such person taking such book shall be fined in a sum not less than double the value of said book so lost or double the cost of repairing any injury to said book, which fine, when paid and collected, shall be paid into the state treasury and become a part of the library fund, such fine or cost may be collected by an action in the name of the state against such person taking such book [R L 1910, s 7253]

Sec 36 Penalty for failure to return books. If any person injure or fail

to return any book he shall forfeit and pay to the library fund double the sum necessary to replace or repair the same, or if a set of books is broken by the loss of any book, or part of a set, then such book or double the value thereof may be recovered by an action in the name of the State of Oklahoma in any court having competent jurisdiction; and before the auditor shall issue his warrant in favor of any person authorized to take books from the library, for the value of his services or the amount of his salary, he shall be satisfied that such person has returned all books taken from the library, or settled for the same, otherwise he shall deduct all amounts for the detention or injury of such books, and such sum deducted shall be paid into the state treasury and become a part of the library fund [R.L 1910, § 7254]

Sec 37 Penalty for unauthorized person taking books. If any unauthorized person shall take a book from the library, either with or without the consent of the librarian, or shall violate any rule promulgated by the board of directors for the regulation of said library, he shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not less than five nor more than twenty-five dollars for each and every offense, and such fine shall be paid into the state treasury and become a part of the library fund [R L 1910, § 7255]

Sec 38 Rules to be printed and posted. The librarian shall have printed the rules and regulations prescribed by the board of directors for the use and management of the library, and shall have the same posted in conspicuous places in the library [R L 1910, § 7256]

Sec 30 Exchange of books for benefit of University Law Library; state publications. The Librarian of the Oklahoma Library is hereby authorized and directed to exchange a copy of all Oklahoma Reports, Oklahoma Criminal Reports, Codes and Compilations of Laws, Session Laws, Journals of the Senate and the House of Representatives (and all other state publications which, in the judgment of the directors of said Oklahoma Library, may be deemed suitable for the purpose) which may be hereafter published, with the proper authorities of the other states, territories and the United States, and to furnish and deliver the books, so received in exchange, to the library of the Law School of the State University of Oklahoma at Norman, Oklahoma, and also to furnish and deliver to said law library of the State University copies of all of the above Oklahoma state publications heretofore and hereafter issued, provided, that the exchange of books authorized and directed to be made hereunder is not intended to take precedence to exchanges made of such books for the purpose of supplying the State Library therewith, the exchange directed to be made by the State Librarian being intended to take place after the exchanges of such books have been made with the department of the various states, territories, etc, for the benefit of the State Library [Laws 1913, ch 123, p.235, s 1]

Sec 40 State publications; copies for library. Every public officer of

the state who publishes and has printed at the expense of the state, any report, paper, book or pamphlet pertaining to the business or conduct of his office, or the business or conduct of any office, or offices of this state, or any of the departments of government of this state, shall deposit with the State Librarian immediately upon the publication thereof, one hundred copies of each of such publications. The State Librarian shall keep ten copies of each publication furnished in compliance with this section, and may exchange the remaining copies for similar publications of other states, territories and governments, and all books and documents received in such exchange shall be and remain the property of the Oklahoma library. [Laws 1913, ch 159, p.328, s 8.]

Title 74, Sec 245 **Positions created and salaries.** The following clerical, stenographic and other positions are hereby created, and the amounts set opposite each are hereby fixed as the annual salary for the same, which shall be paid out of funds appropriated therefor, monthly, upon warrants issued by the State Auditor · * * *

State Librarian\$2,400 00 [Laws 1941, p.447, s.6.]

Sec 281. **Assistants; appointment.** The State Librarian, by and with the approval of the Board of Directors of the State Library, shall appoint an Assistant Librarian at an annual salary of One Thousand Six Hundred Eighty Dollars (\$1,680.00), per annum, payable monthly; a Reference Librarian at a salary of One Thousand Five Hundred Dollars (\$1,500.00), per annum, payable monthly, and a stenographer at a salary of One Thousand Three Hundred and Twenty Dollars (\$1,320 00), per annum, payable monthly, which positions are hereby created The above named employees shall hold office at the pleasure of the State Librarian. [Laws 1939, ch.20, p.31, s.19]

Title 75, Sec 14. **Free copies; persons entitled to.** The following named officers shall be entitled to receive from the State without cost one copy each of the printed volumes of the statutes and session laws of the State published or purchased by the Legislature, or under its authority, for distribution · Each State Officer, including the Governor and Lieutenant-Governor, the members of the Legislature, the heads and assistant heads of the several executive departments, and the members of the several State boards and commissions, the Justices of the Supreme Court and the Judges of the Criminal Court of Appeals, and the clerk of said Courts; the heads of the several State educational, benevolent and penal institutions; the judges of the district, superior and county courts, and all justices of the peace; all county officers, including the county commissioners; township assessors and trustees; and the United States judges, attorneys, clerks and marshals in this State. Provided, that the Secretary of State may, in his discretion, furnish out of any copies of such laws on hand copies to other State officers than those mentioned herein, for the use of their office, and to officers of other States and territories and of the United States: Provided, Further,

that free copies of such laws shall also be furnished to each library association or historical society organized in any county, city or town in this State for the benefit of the public. [R.L.1910, s.8150.]

Sec. 21. Copies for state library. Ten volumes of the laws of the State of Oklahoma passed by each Legislature shall be placed in the State Library by the Secretary of State and shall be kept therein for the use of any person visiting said Library, but shall not be loaned or otherwise disposed of. [R.L.1910, s.8157.]

Sec. 36. Distribution of reports; free copies; loss or destruction of copies; sale and exchange; copyright. The State Librarian shall distribute said [Supreme Court and Criminal Court of Appeals] report as follows: One copy of each to the State Officers for the use in their respective offices; one copy each to the justices of the Supreme Court and other courts of record in the State, for use in their respective chambers, one copy to the County Attorney in each county of the state for use in his office; one copy to the Clerk of the Supreme Court of the State for the use of the Supreme Court rooms; and ten copies to be kept by the State Librarian for State Libraries for general use in the same, provided that in no case shall said reports become the property of the person or persons to whom issued herein, provided, but shall be kept in their proper places and remain the property of the state, and all such books, before being issued, shall be, by the State Librarian, stamped or printed as provided for in the Article relating to the State Library. Provided further, that upon affidavit to the effect that any such copy or copies distributed under the provisions of this Section have been lost or cannot be found by the officer entitled to the same, by diligent search therefor, then, in that event, it shall be the duty of the State Librarian to furnish to such officer from books on hand at the time of the passage and approval of this Act, other copies of the reports so lost or destroyed.

The remainder of said reports shall be sold by the State Librarian at the price of two and 50/100 (\$2 50) dollars per volume. The librarian may also exchange such reports for other law books of equal value, and shall send one copy to each State and Territory for use in their respective libraries and shall send two copies to the Librarian of Congress for that purpose of completing the copyright. [Laws 1939, ch 23, p 70, s 21]

Sec 37. Accounts; reports; use of proceeds of sales. The librarian shall keep strict and accurate accounts of all reports received by him, and shall report to the Supreme Court when order is made therefor, and on order of the Supreme Court moneys received from the sale of such reports may be used in paying for the printing and binding authorized under this act. [Laws 1917, ch 134, p 208, s 5]

NOTE—Except for statutes and session laws all state publications are distributed and exchanged by the State Library. Statutes and session laws are distributed by the Secretary of State, but are exchanged by the State Library.

B. STATE LIBRARY COMMISSION

(Oklahoma Stats 1941, Title 65, p 2029-2030, s.1-8)

Title 65 Sec. 1. Commission created. The governor shall appoint four persons, who, with the State Superintendent of Public Instruction, shall constitute the Oklahoma Library Commission. The members appointed by the governor shall be appointed for terms of six, four, and two years from the first day of July following the passage of this act. All subsequent appointments shall be for terms of six years, except appointments to fill vacancies, which shall be made by the governor for unexpired terms. [Laws, 1919, ch 32, p 51, sec 1.]

Sec. 2 Duties and powers. The commission shall give advice to all school, free, and other public libraries, and to all committees which may propose to establish them, as to the best means of establishing and maintaining such libraries, the selection of books, cataloguing, and other details of library management. It may also receive gifts of money, books or other property which may be used or held in trust for the purpose or purposes given; may purchase and operate traveling libraries, and circulate such libraries within the State among communities, libraries, schools, colleges, universities, library associations, study clubs and charitable and penal institutions, free of cost except for transportation, under such conditions and rules as shall protect the interest of the State and best increase the efficiency of the service it is expected to render the public. It may publish such lists and circulars of information as it shall deem necessary, and it may also conduct summer schools of library instruction, and a clearing house for periodicals for free gift to local libraries. [Laws 1919, ch 32, p 51, s 2]

Sec. 3. Organization, salaries and expenses. The officers of the Commission shall be a president (in whose absence any member may be chosen as president pro tem), and a secretary, not of its own number, to be appointed by the Commission, who shall serve at the will of the commission, for such compensation and under such conditions as it shall determine. It may also employ such other assistants as shall be required for the performance of the work of the Commission as set forth herein, who shall serve upon such conditions as the Commission may determine not to exceed \$1,800.00 per year. It shall be the duty of the secretary to keep a record of the proceedings of the Commission, to keep accurate accounts of its financial transactions, and to act under the direction of the Commission in supervising the work of the traveling libraries, in organizing new libraries and in improving those already established, and, in general, to perform such other duties as may be assigned him by the Commission. In addition to his salary, he shall be allowed his actual and necessary expenses while absent from his office upon the service of the Commission. Such expenses, when approved by the President or the member acting in that capacity, shall be certified to the State Auditor in the same manner as other bills incurred by the Commission. No member of such commission shall be com-

pensated for his services, but accounts for the traveling expenses of the members thereof in attending meetings or establishing libraries and other necessary incidental expenses connected with their duties may be audited by the State Auditor when approved by the president and the secretary of the Commission. All bills, properly certified, shall be paid as other bills of the State departments are paid. [Laws, 1919, ch 32, p.52, s 3]

Sec 4 Lecture courses; cooperation in assisting school Libraries. In connection with and under the supervision of the President of each Normal School of the State, the Commission may arrange for courses of not less than four lectures every year at each of these schools on book selection, use and care of books, cataloguing, and library administration; may co-operate with the State Library Board in devising plans for the care of school district libraries, in aiding teachers in school library administration, and in formulating rules and regulations governing the use of such libraries throughout the State. Such suggestions, rules and regulations are to be promulgated through the State Superintendent of Public Instruction [Laws, 1919, ch 32, p.52, s 4.]

Sec 5 Reports; printed matter. The commission shall make an annual report, on or before the first Wednesday in January in each year to the legislature, when that body shall be in session any such year, and when it is not in session any one year the report shall be made to the Governor, who shall cause the same to be published, and shall also communicate a copy to the next legislature. Such reports shall state library conditions and progress in Oklahoma, and shall contain an itemized statement of the expenses of the commission. Such reports shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state. Blanks and other printed matter required by the commission shall be furnished by the State Board of Affairs and shall be paid for from the funds of the Commission. [Laws 1919, ch 32, p 52, s 5]

Sec 6 Headquarters. The headquarters of the Commission shall be in the State Capitol in rooms provided by the State. [Laws, 1919, ch 32, p 53, s 6]

Sec. 7 Position and employments in lieu of other positions; salaries. The following positions and employments are hereby created and authorized in the Oklahoma Library Commission, at annual salaries not to exceed the amount set opposite each

Secretary	\$2,400.00
Assistant Secretary	1,680.00
Director of Traveling Libraries	1,680 00
Cataloguer	1,680.00
Director of Individual Loans	1,380 00
Braille Librarian	1,500.00
Stenographer and Bookkeeper	1,380,00
File Clerk	1,200.00
Packer and Shipper	900.00

The salaries shall be paid monthly upon warrants issued by the State Treasurer. The foregoing positions and employments shall be in lieu of all positions created and authorized in the Oklahoma Library Commission by Article 24, Chapter 24, Oklahoma Statutes 1931. [Laws 1939, ch.20, p.37, s.30.]

Sec 8 Traveling library petty cash fund; creation; custody and management; use; receipts; excess paid to general fund; record. There is hereby created a "Traveling Library Petty Cash Fund" under the custody, control and management of the Secretary of the Oklahoma Library Commission. Said Fund shall be kept by the Secretary of the Oklahoma Library Commission in the office of said Commission in the State Capitol and shall be used by said Secretary for payment of the cost of transporting books and publications to users of traveling libraries operated by the Oklahoma Library Commission. All transportation fees and charges collected from users of traveling libraries operated by the Oklahoma Library Commission shall, when received, be placed in said Fund and used in defraying expenses incurred in transporting books and publications to users of traveling libraries. Any balance in excess of one hundred fifty dollars (\$150.00) remaining in said Fund at the end of each fiscal year shall be paid into the General Fund of the State Treasury. An accurate record of all moneys received in and disbursed from said fund shall be kept by the Secretary of the Oklahoma Library Commission. [Laws 1941, ch 1, p.307, s 1]

C. STATE HISTORICAL SOCIETY

(Oklahoma Stats 1941, Title 53, p 1623-1626, s 1-18, Title 74, p 2516, s 72)

Title 53. Sec 1 Trustee of state for certain purposes; board of directors. The Oklahoma Historical Society shall faithfully expend and apply all money received from the State to the uses and purposes directed by law, and shall hold all its present and future collections of property for the State, and shall not sell, mortgage or dispose of in any manner, or remove from the State University any article thereof or part of the same without authority of law: Provided, that this shall not prevent the sale or exchange of any duplicates that the society may have or obtain. There shall continue to be a board of directors of said society, to consist of as many members as the society shall determine, and who shall have the same powers as the present board of directors. [R L. 1910, s.4360]

Sec. 2. Duties; expenditures. It shall be the duty of the society to collect books, maps and other papers and materials illustrative of the history of Oklahoma in particular and the west generally, to procure from the early settlers narratives of events relative to the early settlement of Oklahoma and to the early explorations, Indian occupancy and overland travel in Oklahoma and Indian Territories and the west; to procure facts and statements relative to the history and conduct of our Indian tribes and to gather all information calculated to exhibit faithfully the antiquities and the past and

present condition, resources and progress of the commonwealth; to purchase books to supply deficiencies in the various departments of its collections and to procure by gift and exchange such scientific and historical reports of the legislatures of other states, of railroads, reports of geological and other scientific surveys, and such other books, maps, charts and other information as will facilitate the investigation of historical, scientific, social, educational and literary subjects, and to cause them to be properly bound; to catalogue the collections of said society for the more convenient reference of all persons who may have occasion to consult the same; to prepare annually for publication a report of its collections and such other matters relating to its transactions as may be useful to the public; and to keep its collections arranged in suitable and convenient rooms, to be provided and furnished by the society as the board of directors may determine, the rooms of the society to be open at all reasonable hours on business days for the reception of the citizens of this commonwealth, who may wish to visit the same, without fee; Provided, that no expenditure shall be made under this article, or expense incurred except in pursuance of specific appropriations therefor, and no officer of said society shall pledge the credit of the State in excess of such appropriation [R L 1910, s 4361]

Sec. 3 Accounts and reports; donation of state publications; duplication of publications. The board of directors shall keep a correct account of the expenditures of all money which may be appropriated in aid of the society and report annually to the governor a detailed statement of such expenditure To enable the society to augment its collections by effecting exchanges with other societies and institutions, sixty bound copies each of the several publications of the State and of its societies and institutions, except the reports of the supreme court and the criminal court of appeals, shall be, and the same are hereby donated to said Oklahoma Historical Society as they shall be issued, the same to be delivered to the society by the secretary of state or other officer having custody of the same. The society shall not expend its resources in procuring duplicates of such publications as may be in the University library [R L 1910, s 4362]

Sec. 5. Secretary of society; other employes; salaries. The office and salary of the Secretary of the Oklahoma Historical Society is created and fixed at Two Thousand (\$2,000 00) Dollars per annum. The following other employees are authorized and compensation fixed to wit:

Librarian \$1,500.00 per annum, Chief Clerk \$1,500 00 per annum; Collector and solicitor for museum, and matters incident thereto, \$1,200.00 per annum; Custodian for newspapers and magazines, and other matters incident thereto, \$1,500.00 per annum; Cataloguer for library and matters incident thereto, \$1,200 00 per annum; one Guide \$1,200.00 per annum; one Clerk and archivist, whose principal duties shall be to have charge of Indian archives held as custodian for the Federal Government, and all other such research and manuscripts, \$1,500.00 per annum; one stenographer \$1,200.00

per annum, one Custodian for the Union Soldiers' memorial room, who shall be a Union Soldier or the wife, widow or descendant of a Union Soldier, \$1,200.00 per annum; one Custodian for the Confederate Soldiers' memorial room, who shall be a Confederate Soldier preferably and if no such is available then the wife, widow or descendant of a Confederate Soldier, \$1,200.00. Provided, that the Board of Directors of the Oklahoma Historical Society may add to the duties herein implied in the language describing the position for which such appropriations are authorized, and provided further, that the Board of Directors shall continue to elect or appoint such officers and employees as heretofore, who shall hold at the pleasure of the Board and shall be employed by the Board at a reduced salary, when necessary to conform to any reduction in appropriation bill [Laws 1939, ch 20, p 36-37, s 29]

Sec 6 Board of directors; membership; powers The board of Directors of the Oklahoma Historical Society shall consist of not more than twenty-five members, also with the Governor as an ex-officio member, and shall have the same powers as now exist until changed according to the constitution and by-laws of said Society, or by Act of the Legislature. Provided, that the number of members of said board may be decreased by Act of the Legislature or by Act of said Society by amending its constitution [Laws 1935, ch 24, p 63, s 1]

Sec. 7 Duty of society; expenditures from public fund limited to appropriation. It shall be the duty of said Society, through its board and agents, to collect or acquire books, newspapers, magazines, catalogues, maps, papers, records, reports, surveys, charts, pictures, photographs, paintings, relics, and such other matters and information as will facilitate the investigation of scientific, social, educational, economical, business, industrial, political and literary subjects and all historical matter, and to preserve the same by having such collections catalogued, indexed and bound for the convenient reference and study of persons who may have occasion (sic) to study, examine and consider same, and to prepare for publication reports and to publish matters relating to its transactions and research as may be useful to its membership and the citizens of the State and the public at large and to keep its collection and archives arranged in suitable, safe and convenient rooms in the Historical Building to be open at reasonable hours under reasonable regulations for the reception of the citizens of the State as may wish to visit and inspect same without fee or charge, Provided, that no expenditure out of the public funds shall be made or expense incurred to be borne by the State except in pursuance of specific appropriations theretofore made and no obligation shall be incurred in excess of such appropriations [Ibid, s 2]

Sec 8 Contributions, gifts and donations; title to real estate; leasing real estate; custodians. The Oklahoma Historical Society may solicit and receive contributions, gifts, and donations to be held by it in trust under the terms and conditions imposed by the donors, and title to all real estate ac-

quired, donated and granted to said Society shall be taken in the name of the State to be held for the use and benefit of the Oklahoma Historical Society under the conditions of such grants or donations, the Board of Directors of the Oklahoma Historical Society, through its officers or duly authorized agents to be manager of such real property with authorization to let and lease the same for a period not to exceed ten years, and where necessary employ a suitable custodian or custodians of such realty, with the proviso that no expense is to be incurred relative thereto except as is authorized by law and an appropriation theretofore made to meet same. Provided, further, that as to such realty as may consist of parks and places of historical interest with buildings thereon such custodian or caretaker may be employed by such board to be paid out of receipts from visitors or out of an appropriation theretofore specifically made for such purpose, and from donations theretofore pledged for such purpose, and made to meet such expense, which is not to exceed such receipts or donations or such appropriation theretofore made for such purpose [*Ibid*, p 64, s 3]

Sec 9 Accounts and reports of expenditures. The Board of Directors shall keep a correct account, of the expenditures of all money which may be appropriated by the Legislature in aid of the Society and report annually to the Governor detailed statement of such expenditure, and also report to him a detailed expenditure of all donations, receipts and expenditures therefrom [*Ibid*, s 4]

Sec 10 Exchanges of duplicates. The Oklahoma Historical Society is authorized to make exchanges of duplicates held by it for matters of equal historical importance [*Ibid*, p 64, s 5]

Sec 11 Official seals, records and documents; transfer to society. Any official of the State, or any subdivision thereof, having the custody of any seal, record, original paper or other document not required by laws of this State to be retained as a part of the record of such office shall transfer the same to the Oklahoma Historical Society to be held by it [*Ibid.*, p.64, s.6.]

Sec 12 Certified copies of records, papers and documents; fees for certification. The Secretary, or in his absence the Chief Clerk, of the Historical Society is authorized to make certified copies of any and all records, papers and other documents, including excerpts and parts of all of any newspaper or file, and papers and archives held by said Society in trust for the United States Government, and such as may by him or her be certified and attested and the seal of the Historical Society affixed thereto, shall be received in evidence in all the Courts of this State and have the same force and effect as the original would when introduced in evidence; provided, that when such certificates are made for the United States Government, or any of its officers, to be used in evidence in behalf of the United States Government, or any of its agencies, such certificate shall be made without fee or charge, and the same as to the State of Oklahoma and its Agents, but in all other instances fees for such certificate shall be paid by

the party applying therefor in such amount as allowed by law to the Secretary of State for such certification, and when such fee is not fixed by the Board of Directors of said Society. All fees so received shall be paid into the State depository in the State Treasury and held for the use and benefit of the Oklahoma Historical Society, provided, that no fee shall be charged for such certified copy when required in the transaction of the business of the State or the United States Government. [*Ibid.*, p.64, s.7.]

Sec. 13. Union soldiers' room; purpose; custodian; agreement as to contents. The Union Soldiers' Room in the Oklahoma Historical Society is hereby set aside as a memorial to the soldiers and sailors and others who supported the side of the Union in the Civil War, and a custodian is hereby provided who shall be a Union Soldier, or the widow of a Union Soldier, or the descendant of a Union Soldier. And the Board of Directors of the Oklahoma Historical Society are hereby authorized to enter into agreements with camps or agencies of the organizations of Union Soldiers and Sailors and their sons and daughters as to matters to be placed within said room and for the permanent retention of the same therein. [*Ibid.*, p.65, s.8.]

Sec 14 Confederate soldiers' room; purpose; custodian; agreement as to contents. The Confederate Soldiers' Room in the Oklahoma Historical Society is hereby set aside as a memorial to the Soldiers and Sailors and all who supported the side of the Confederacy in the Civil War, and a custodian is herein provided who shall be a Confederate Soldier, or the widow of a Confederate Soldier, or the descendant of a Confederate Soldier. And the Board of Directors of the Oklahoma Historical Society are hereby authorized to enter into agreements with camps or agencies of the organizations of the Confederate Soldiers and Sailors and of their sons and daughters as to matters to be placed within said room and for the permanent retention of the same therein. [*Ibid.*, p 65, s 9.]

Sec 15 Appointment and tenure; quarters for veterans' organizations and soldiers relief commission. All offices and places authorized by this Act as heretofore be elected or appointed by the Board of Directors of the Historical Society, and such offices and places held at the pleasure of the said Board. Provided, that the North wing of the Second Floor of the Oklahoma Historical Society Building is hereby reserved as headquarters for the American Legion and its Auxiliary, the Spanish-American War Veterans and its Auxiliary, and the offices of the Soldiers' Relief Commission of the State of Oklahoma. Said Soldiers' Relief Commission shall assign the space herein reserved to said organizations. [*Ibid.*, p.65, s.10.]

Sec. 16. Board of directors. The Board of Directors of the Oklahoma Historical Society, consisting of not more than twenty-five (25) members, also with the Governor as an ex-officio member, as now constituted, are hereby declared to be agents of the State of Oklahoma, and to hold as such directors until their successors are elected and qualified. [Laws 1936-1937, ch.24, p 99, s.1.]

Sec. 17. Members. The members of said Society are hereby declared to be those who have heretofore become and are now members of said Society, and such others as may be admitted and elected as members thereof, in accordance with its constitution and by-laws, and are to continue as members thereof in accordance with the terms of said Constitution and by-laws as it may be amended in accordance with its terms or by Act of the Legislature. [Laws 1936-1937, ch 24, p 99-100, s.2.]

Sec. 18. Rules and regulations. The said Oklahoma Historical Society is hereby declared to be such organized agency of the State of Oklahoma and to have been such since the erection of the State of Oklahoma, with power to formulate and adopt rules and regulations by means of its own constitution and by-laws, and resolutions for its government and regulation subject to the laws of the State, and have the power to acquire by purchase real property for the purposes for which it is created, when it has the funds on hand for such purposes, the title thereto to be taken in the name of the State for the use and benefit of the Oklahoma Historical Society as is authorized by law, and the Oklahoma Historical Society, through its Board of Directors. [Laws 1936-1937, ch.24, p 100, s 3.]

Title 74 Sec. 72 Monuments and markers. The State Board of Affairs and the Warden of the State Reformatory be, and hereby are, authorized and directed to furnish to the said Oklahoma Historical Society and associated organizations such monuments and markers of granite as may be desired and ordered or requisitioned for the purposes above stated, at prices not exceeding the cost of production and delivery, to-wit: quarrying, squaring, facing, lettering prescribed inscriptions, crating and delivering to the railway or other carrier. [Laws 1927, ch 224, p 272, s 1.]

D. STATE RECORD COMMISSION

(Oklahoma Stats 1941, Title 74, p 2556, s 561-563.)

Sec. 561 Record commission created; duty to destroy old records; depositing in state library. There is hereby created a Record Commission to be composed of the Attorney General, who shall act as Chairman, the State Examiner and Inspector, the State Auditor, Librarian of the State Library, and the State Treasurer Said Commission is hereby authorized and directed to check over the records that are filed and retained by the various departments and institutions of the State, and to destroy such records, or at the request of the State Librarian, deposit such records in the State Library, which, in its discretion, are of no further need and use to said departments and institutions, provided, that no records within five (5) years of the current date shall be destroyed. [Laws 1939, ch.24, p.111-112, s.1.]

Sec. 562. Heads of departments to furnish employees to assist in checking records. The said Record Commission is hereby given the authority to request of the head of any department or institution, whose records are

being checked, as many persons in the employ of the said department or institution, as in its discretion are necessary to properly check and survey the records of said department or institution and it shall be the duty of the head of such department or institution to furnish the number of persons requested by the said Record Commission. Said employees so assigned to the Record Commission shall be under its direction and supervision in the performance of the functions set out by this Act. [Laws 1939, chap.24, p 112, s.2.]

Sec 563 **Record of records destroyed.** A record shall be kept of the records which are destroyed. Said record shall be in such form as prescribed by the Record Commission, and shall disclose, among other things, the date and content of the record so destroyed. One copy of said record shall be kept by the department or institution whose records have been destroyed, and the original of such record shall be filed with and retained by the Secretary of State. [Laws 1939, ch 24, p 112, s 3]

E. STATE INDUSTRIAL CHEMICAL LIBRARY

(Oklahoma Stats 1941, Title 70, p 2412-2413, s 1281-1284)

Title 70, Sec 1281 **Creation and location of library.** There is hereby created and established a State Industrial Chemical Library, to be located at the State University at Norman, Oklahoma. [Laws 1921, ch 239, p 263, s.1.]

Sec 1282 **Accommodations.** The University of Oklahoma shall provide adequate accommodations, heat, light and service for the suitable conduct of such library. [Laws 1921, ch 239, p 268, s 2]

Sec 1283 **Administration of library.** The State Industrial Chemical Library shall be administered by and under the direction of the Board of Regents of the University of Oklahoma, which Board is hereby authorized to make all necessary purchases, and is hereby empowered to establish and enforce all necessary rules and regulations for the administration of said library: Provided, that such rules and regulations shall make the books, periodicals and materials of said library available for the use of all citizens of the state of Oklahoma interested or employed in industrial chemistry without expense other than the actual cost of transportation or transcription. The Board of Regents may require suitable deposits or other guarantee for the return, without damage, of the books, periodicals and materials loaned. [Laws 1921, ch 239, p 263, s 3]

Sec. 1284 **Library committee.** The Board of Regents shall appoint a Library Committee for the State Industrial Chemical Library consisting of one member of the Chemical faculty of the University of Oklahoma, one member of the Chemical faculty of the Agricultural and Mechanical College, and one person actively engaged in the pursuit of industrial chemistry in the State of Oklahoma, the members of said Committee to serve without compensation. The library committee shall recommend books, periodicals and materials suitable for said library and available for the upbuilding of the industries of the state, and no books, periodicals or material shall be

purchased unless recommended by said Library Committee [Laws 1921, ch. 239, p.264, s.4.]

F. CERTIFICATION OF LIBRARIANS

(Oklahoma Stats 1941, Title 65, p 2035, s.91-93)

Title 65, Sec 91 **Head librarian; employment; eligibility.** The proper officials in control of every free public library, state school library and public school library maintained by cities of the first class, shall appoint and employ a competent and suitable person to serve as head librarian therein, who shall be responsible for the duties involved in the office, provided, that after the passage of this act no vacancies existing or occurring in the position of head librarian in such libraries shall be filled by appointment or designation of any person who is not in possession of a library certificate issued under the authority of this act [Laws 1925, ch 173, p 277, s 1]

Sec 92 **Board of library examiners; certificates.** The Oklahoma library commission shall constitute a board of library examiners who shall act without pay and who shall issue librarians' certificates under reasonable rules and regulations to be promulgated by the board and a complete record of the transactions of said board shall be kept at all times. [Laws 1925, ch 173, p 277, s 2]

Sec 93 **Temporary certificates; librarians previously acting.** Upon the submission of satisfactory evidence that no qualified librarian is available for appointment, a temporary certificate, valid for one year, may be issued upon written application of the library board. Said certificate shall not be renewed or extended and shall not be valid beyond the date for which it is issued. The provisions of this act shall not be construed to affect any librarian at this time in his or her position. Such librarians as are now acting shall be entitled to receive a certificate in accordance with positions now held without an examination, and such certificate so issued shall be a life certificate [Laws 1925, ch 173, p 277, s 3]

G. FEDERAL AID

(Oklahoma Stats 1941, Title 65, p 2035-2036, s 141-147)

Title 65, Sec 141 **Acceptance of federal grants for library service.** The State of Oklahoma hereby accepts the provisions of the Acts of Congress providing federal grants to states for library service [Laws 1939, ch 24, p 84, s 1.]

Sec 142 **State treasurer designated trustee.** The State Treasurer is hereby designated Trustee of all funds allotted to this State from the appropriations made by said Acts and he shall receive and provide for the proper custody and disbursement of the same in accordance with said Acts [Laws 1939, ch.24, p 84, s.2.]

Sec 143 **Oklahoma Library Commission; duties under act.** The

Oklahoma Library Commission is hereby designated, authorized and required to cooperate, as provided in and required by the aforesaid Acts of Congress, with the U.S. Commissioner of Education in the administration of the provisions of said Acts, employ personnel and to do all things necessary to entitle the State to receive the benefits thereof. [Laws 1939, ch 24, p.84, s.3.]

Sec. 144. Requisition on State Treasurer for disbursements. The Oklahoma Library Commission shall make requisition on the State Treasurer for disbursement from Federal Funds to such libraries, cities, towns, counties and school districts for library services as have been approved and authorized to participate in the benefit of these funds under the terms of the Federal Acts. And it shall make requisition on the State Treasurer for disbursement from Federal Funds for the payment of salaries and other expenses as are authorized herein out of the fund provided by the Federal Government, and the State Treasurer is hereby appointed as Trustee for all such appropriations from the Federal government [Laws 1939, ch.24, p.84, s.4.]

Sec. 145 Reports and audits. All libraries, cities, towns, counties and school districts participating in or benefiting by the provisions of the Federal grants for library services are hereby required to make such reports and audits as are required to the State Treasurer, the Oklahoma Library Commission and the U.S. Commissioner of Education. And the State Treasurer and the Oklahoma Library Commission are authorized and required to make such reports and audits as may be required to the Federal Government and the U.S. Commissioner of Education in respect to the expenditure of Federal grants and progress of library service [Laws 1939, ch.24, p.84, s.5.]

Sec 146. Personnel; appointments; merit basis. All appointments of personnel, and the tenure thereof, to the Oklahoma Library Commission and to such libraries, cities, towns, counties and school districts participating in or benefiting by the provisions of the Federal grants for library service shall be based on merit and efficiency without regard to political considerations [Laws 1939, ch 24, p 84-85, s 6]

Sec. 147 Transmission of notice of acceptance and copies of acts. The Oklahoma Library Commission shall, as soon as possible after the passage of this Act, transmit to the U.S. Commissioner of Education official notice of acceptance of the provisions of the aforesaid Acts of Congress, and certified copies of legislative enactments pertaining to the matters specified therein [Laws 1939, ch 24, p.85, s 7]

H. COUNTY LIBRARIES

(Oklahoma Stats. 1941, Title 65, p 2033, s 61)

Title 65, Sec. 61. Excise Board; levy for county circulating library. The excise board of any county in this state is hereby authorized to make an an-

nual levy of not to exceed one-half of one mill on all taxable property of the county, which levy shall be in addition to all other levies authorized by law, for the purpose of providing funds to be used to establish, extend, operate, and maintain a county circulating library, and to employ help necessary in connection therewith. Provided; the said board of county commissioners shall have authority to use such funds in co-operation with any public library in said county when such co-operation will be advantageous to said county library. [Laws 1929, ch.50, p.68, s 1]

NOTE—This levy must remain within the Constitutional limitation of fifteen mills for all county, municipal and school purposes

I. MUNICIPAL LIBRARIES

(1) GENERAL PROVISIONS

(Oklahoma Stats 1941, Title 11, p 441, s 671; Title 65, p.2033-2034, s 71-80)

Title 11, Sec 671. **Libraries and reading rooms.** The council may establish and maintain public libraries and reading rooms at the expense of the city. [R. L. 1910, s.600]

Title 65, Sec 71. **Establishment and maintenance authorized; item for maintenance in annual; financial statement.** The city council or legislative body of any city or incorporated town in this State, shall have power to establish and maintain a public library and reading room, or either of them, for the use and benefit of the inhabitants of such city or town, and after the establishment thereof it shall be the duty of each such city council or legislative body to include an item in the annual financial statement and estimated needs of their city or town, for the following fiscal year to maintain said public library and reading room, or either of them, and which item will be in an amount equal to the amount a levy of not less than one-half ($\frac{1}{2}$) nor more than two (2) mills would have raised upon the assessed valuation of said city or town during the prior fiscal year. If the aggregate amount of estimated needs of said city or town, as shown by said financial statement and estimated needs, exceeds the amount which can be raised by the number of mills the Excise Board of the county apportions to said city or town for said fiscal year, under the provisions of Section 9, Article 10 of the Constitution of the State of Oklahoma, as amended, said Board will be without power, in order to bring said aggregate within the amount which can be so raised, to reduce the amount of said item. [Laws 1935, ch 33, p 136, s.1.]

Sec. 72. **Directors; appointment; compensation.** When any city council shall have decided to establish and maintain a public library and reading-room, or either of them, the mayor of such city, shall, with the approval of the city council, proceed to appoint a board of six directors for the same, chosen from the citizens at large, with reference to their fitness for such office; and no director shall receive compensation as such. [R L. 1910 s.7258.]

Sec. 73. Term of office of directors; removal. Said directors shall hold office: One-third for one year, one-third for two years, and one-third for three years, from the first day of May following their appointment, and at the first regular meeting shall cast lots for the respective terms, and annually thereafter the mayor of such city shall, before the first day of May, appoint as before, two directors to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. Such mayor may, by and with the consent of the council, remove any director for misconduct or neglect of duty [R L. 1910, s 7259]

Sec 74 Vacancies. Vacancies in the board of directors occasioned by removals, resignations or otherwise, shall be reported to the city council and be filled in like manner as original appointments. [R L. 1910, s 7260]

Sec 75 Organization, powers and duties of board. Said directors shall immediately after appointment meet and organize by the election of one of their number as president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room, or either of them, as may be expedient, not inconsistent with this article. They shall have exclusive control of the expenditure of all moneys collected and placed to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms and buildings constructed, leased or set apart for that purpose. Provided, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other money of said city, and shall be paid out only upon the properly authenticated vouchers of the library board. Said board shall have power to lease and obtain rooms for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees, and shall in general carry out the spirit and intent of this article. Said board shall have power, with the approval of the city council, to purchase ground and erect thereon a suitable building for the use of said library and shall have the power, with the approval of the city council, to sell and dispose of any property acquired by purchase, or by other means when the said board by proper resolution finds that said property is not needed for library purposes. The deed or other conveyance of said property shall be executed for and on behalf of the board by the president of said board and shall be attested by the secretary of said board, provided, that the proceeds of such sales shall not be diverted to any other fund, and shall be used or appropriated for library purposes only. Said board shall have power to accept, or in its discretion to decline, donations tendered as provided in section 6345, and for the purpose of maintaining and augmenting collections other than collections of printed books and periodicals, may in its discretion expend moneys or incur obligations not exceeding in any one year ten per

cent of the whole amount paid into the library fund for such year [Laws 1941, Title 65, ch 4, p 308, s 1]

Sec. 76. Rules and regulations. Every library or reading room established under this article shall always be subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading room, or either of them, of the greatest benefit to the greatest number, and said board may exclude from the use of the said library and reading room, or either of them, any and all persons who shall wilfully violate such rules. [R.L. 1910, s 7262]

Sec 77 Annual report of board. The said board of directors shall make on or before the first day of April in each year an annual report to the city council, stating the condition of their trust on the first day of March of that year, the various sums of money received from the library fund, and other sources, and how such moneys have been expended and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift or otherwise during the year, the number of books lost or missing, the number of persons attending, the number of books loaned out; and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest. [R.L. 1910, s 7263]

Sec 78 Council may provide penalties by ordinance. The council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or other property thereof, and for injury to or failure to return any book belonging to such library [R L 1910, s 7264.]

Sec 79 Board to be trustees of donations. Any person desiring to make donations of money, personal property or real estate, for the benefit of such library, or for the establishment, maintenance or endowment of public lectures in connection with such library upon any subject designated by the donor in the field of literature, science and the arts (except that lectures in the interest of any political party, politics or sectarian religion are expressly prohibited), shall have the right to vest the title to the money, personal property or real estate so donated in the board of directors, to be held and controlled by such board when accepted according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the board shall be held and considered to be special trustee. [R L 1910, s 7265]

Sec 80 Transfer of library to city by owner; branches. Any library already existing or hereafter established in any city which shall establish a free library and reading room, or either of them, under the provisions of this article, may be transferred by the society, association or individual owning the same to the said board of directors, on such terms not inconsistent with the object of this article as may be mutually agreed upon; and as to such property, said board of directors shall be held and considered to be special

trustees: Provided, that any incorporated city of not less than five thousand population may establish one or more reading rooms to accommodate the inhabitants thereof, in different parts of said city. [R.L. 1910, s.7266.]

(2) JOINT CITY AND COUNTY LIBRARIES

(Oklahoma Stats. 1941, Title 65, p 2034-2035, s 81-83)

Title 65, Sec 81. **Governing bodies of cities; authority to contract with county for library.** The governing bodies of the cities of this State, are hereby empowered and authorized to enter into a contract with the County Commissioners of the county, in which such city is located, for the purpose of purchasing a site and erecting, maintaining, and operating a building thereon, to be used for Public Library, upon such terms or conditions as may be agreed upon between the two (2) contracting parties [Laws 1936, 1937, ch. 33, p.167, s 1]

Sec. 82 **County commissioners; authority to contract with city for library.** The County Commissioners of any county of the State are hereby authorized to enter into a contract with the governing body of any city, county seat of such county, for the purpose of purchasing a site and the erecting, maintaining and operating a building thereon, to be used for a Public Library, on such terms and conditions as may be agreed upon by the parties thereto [Laws 1936, 1937, ch.33, p 167, s.2]

Sec. 83. **Appropriation of funds for purchase, erection and maintenance of library.** The County Commissioners and the governing body of any city entering into the above described contract, are hereby authorized to appropriate and pay out the necessary funds from the general funds of such county or city, respectively, for the purchase of a site and the erection and maintenance of such building thereon and to make appropriations for the purchase of books and circulation thereof in the county. [Laws 1936, 1937, ch 33. p 167, s 2]

J. COUNTY LAW LIBRARIES

(Oklahoma Stats 1941, Title 19, p 822-824, s 811-825)

Title 19, Sec 811 **Law libraries in certain counties.** That each county in this State having or hereafter having a population of 45,000, or more inhabitants, and having a city located therein with a population of 25,000, or more inhabitants, according to the 1930 Federal Census or the last decennial Federal Census, there may be established a county law library by complying with the provisions of the Act. [Laws 1936-1937, ch.35, p.217, s.1.]

NOTE—Above is an amendment of Laws 1936-1937, Ex Sess., ch.35, p 27, s.1.

Sec. 812. **Free use of libraries.** The use of such county law library shall be free to the judges of the state, to state officials, to all the judges of the district, probate courts, and to the judges of the courts of record in the county, to all county officials, to the members of the bar, and to the inhabitants of the county, under proper regulation. [Laws 1936-1937, Ex. Sess., ch.35, p 27, s.2.]

Sec. 813. Law Library fund; costs in civil actions; purchases of books and periodicals. On the commencement in, or removal to, the district court, court of common pleas, county court, and any court of record of any county of this state, to which the Act applies, of any civil action, preceding or appeal, the clerk of said court, on filing the first papers therein, shall set aside in a separate fund designated as the "Law Library Fund" the sum of \$1.00 as costs from any deposit for costs made by the party instituting or filing such civil action, proceeding or appeal; and, where no deposit for costs has been made by such party, or is insufficient, he shall be required to pay to the clerk of said court the sum of \$1 00 as costs for said Law Library Fund, except where such actions or proceedings are filed or prosecuted in formo pauperis. Each intervener in such actions or proceedings, and each cross-petitioner or party seeking affirmative relief in such actions or proceedings, on his appearance therein, shall pay to the clerk of said court the sum of \$1.00 as costs for said Law Library Fund. Said Law Library Fund shall be expended in the purchase of law books and periodicals and in the establishment and maintenance of a law library at the county seat of said county at a suitable place provided by the County Commissioners of said county, which law library shall be governed and controlled and said fund expended by the Board of Trustees hereinafter provided [Laws 1936-1937, Ex Sess, ch 35, p 27, s 3]

Sec. 814 Law library fund; payment of costs collected to county treasurer. Each day the clerk of the court making such collections shall pay the same to the treasurer of his county, who shall keep the same separate and apart in the "Law Library Fund." Said fund shall be a continuing one and shall not be diverted to any other fund and shall not be used or applied to any purpose not specified herein [Laws 1936-1937, Ex.Sess., ch.35, p 27, s 4]

Sec. 815. Board of Law Library Trustees; management of library. The management of said library shall be under a Board of Law Library Trustees, consisting of five members, and to be chosen in the manner hereinafter provided to wit:

- (a) In counties having two or more district judges, two district judges of the county shall be selected by the district judges of said county as members of the Board of Library Trustees, two members of the local county bar association, one of whom shall be the County Attorney who shall act as ex-officio member of the Board of Library Trustees, and the other member of such local bar association shall be chosen by the members thereof,—to serve as members of the Board of Law Library Trustees; and one member of the Board of County Commissioners shall be selected by the Board of County Commissioners as the fifth member of said Board of Law Library Trustees.
- (b) In counties having only one district judge, such district judge shall

act as a member of the Board of Law Library Trustees, and the remaining members of the Board of Law Library Trustees shall consist of three members of the county bar association, one of whom shall be the County Attorney who shall act as ex-officio member of the Board of Law Library Trustees, and the other two members of such local bar association shall be chosen by the members thereof, and one member of the Board of County Commissioners of said county to be selected by said Board of County Commissioners as the fifth member of such Board of Law Library Trustees [Laws 1936-1937, Ex Sess., ch 35, p.28, s 5.]

Sec 816 Officers of Board of Law Library Trustees. The officers of said Board of Law Library Trustees shall consist of a president and secretary, who shall be elected by members of the Board [Laws 1936-1937, Ex.Sess., ch 35, p.28, s 6]

Sec. 817 Terms of trustees. The four elective members of said Board of Trustees shall hold office for two years, except the members of the first Board, who shall be divided into two classes, with two trustees in each class, one class holding office for one year and the other class holding office for two years

Immediately after the selection and election of said Trustees they shall be divided into said classes by lot [Laws 1936-1937, Ex Sess., ch 35, p 28, s.7]

Sec 818 Trustees; honorary office. The office of trustee shall be honorary, without salary or other compensation [Laws 1936-1937, Ex Sess., ch.35, p 28, s 8.]

Sec. 819 Powers of Board of Law Library Trustees. Such Board of Trustees, by a majority vote of all their members, shall have power :

First: To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of such library, and all property belonging thereto, or that may be loaned, devised, bequeathed or donated to the same

Second. To remove any trustee for just cause, and fill all vacancies that may from any cause occur on the Board

Third. To define the powers and prescribe the duties of its officers, and to provide for the time and manner of their selection.

Fourth: To elect all necessary subordinate officers, including a librarian and such assistants as may be necessary and to prescribe their duties and fix the salary of the same, and at their pleasure remove any such officer or assistant

Fifth: To purchase books, journals, publications, and other personal property, the title to which shall be in the county

Sixth: To order the drawing and payment, upon properly authenticated vouchers, duly certified by the president and secretary, of money from the Law Library Fund, for any liability or expenditure herein authorized, and

generally to do all that may be necessary to carry into effect the provisions of this Act. [Laws 1936-1937, Ex.Sess, ch.35, p.28, s.9.]

Sec. 820. Claims, orders and demands; filing; payment; contracts; limitation. The claims, orders and demands of the trustees of any such law library when duly made and authenticated as above provided shall be filed with the county clerk and considered and disposed of by the treasurer of such county out of the library fund, of which full entry and record shall be kept as in other cases. Provided, that no contracts shall be entered into for any fiscal year in excess of the amount received the preceding fiscal year from such fund and such surplus as may remain on hand for such preceding year. Provided further, that in order to determine said amount or limitation during the first year that this Act is made operative in any county the amount to be contracted for shall not exceed the fund or amount which would have been raised under this Act had it been in operation the year preceding the time it becomes effective. [Laws 1936-1937, Ex.Sess., ch.35, p 28, s 10]

Sec. 821 Annual report; financial report. The said Board of Trustees, on or before the first Monday in December of each year, shall make an annual report to the Board of Commissioners of their county, giving the condition of their trust, with full statements of all their property and money received, when derived, how used and expended, the number of books, periodicals, and other publications on hand, the number added by purchase, gift or otherwise during the year, the number of lost or missing, and such other information as might be of interest. A financial report, showing all receipts and disbursements of money, shall also at the same time be made by the secretary of the Board of Trustees, duly verified by oath. [Laws 1936-1937, Ex Sess, ch 35, p 29, s 11]

Sec 822 Meeting of Board of Law Library Trustees. The said Board of Trustees shall meet the first Monday of each month and at such other time as they may appoint, at a place to be appointed for that purpose; and a majority of all their number shall constitute a quorum for business. [Laws 1936-1937, Ex.Sess, ch 35, p.29, s 12]

Sec. 823 Court reports; legal publications; delivery to library. Printed copies of Reports of the Supreme Court and of the Criminal Court of Appeals and other legal publications, now or hereafter furnished by law to district judges and other officers of counties availing themselves of the provisions of this Act, shall be delivered by said district Judges and such county officers to the county law library, which shall be the custodian thereof. [Laws 1936-1937, Ex.Sess., ch 35, p 29, s 13]

Sec. 824. Acceptance of Act by resolution of Board of County Commissioners; discontinuance. In order for this Act and the provisions thereof to apply and to be put in force and effect in any county, it shall be necessary for the Board of Commissioners of such county to adopt a resolution to that effect; and when such resolution shall be adopted, this Act shall be in full

force and effect as to such county, provided that the Board of Library Trustees of such county created by this Act is hereby empowered at its discretion to discontinue the operation of this Act in said county [Laws 1936-1937, Ex Sess., ch.35, p.29, s.14.]

Sec. 825 Partial invalidity. If any section, paragraph, sentence or phrase of this Act shall be declared unconstitutional or void for any reason, by any court of final jurisdiction, such decision shall not in any way invalidate or affect any other section, paragraph, sentence or phrase of this Act, but the same shall continue in full force and effect [Laws 1936-1937, Ex. Sess., ch 35, p 29, s.14.]

K. SCHOOL LIBRARIES

(Oklahoma Stats 1941, Title 70, p 2399-2400, s 1141-1142)

Title 70, Sec. 1141 Appropriation for library purposes. At the time provided by law for making and certifying the annual levy for taxes for school purposes each year, except as hereinafter provided, the district board of each school district and the board of education of each city or town in Oklahoma shall designate, set apart and appropriate out of the district fund, a sum of money as a library fund, to be used in the purchase of books and periodicals for a public library for such district, city or town, as follows: In districts employing one teacher, not less than five nor more than ten dollars each year; in districts employing more than one and less than four teachers, not less than ten nor more than twenty-five dollars each year; in districts employing more than three teachers, not less than twenty-five nor more than fifty dollars each year; in cities, not less than fifty nor more than one hundred dollars each year. The board of education of each city or town and the district board of each school district, except as hereinafter provided, shall certify the appropriation herein provided to the county clerk and the county clerk shall note the appropriation on the tax rolls and certify the same to the county treasurer, and he shall set apart the sum so designated to the credit of the district, city or town appropriating the same, as a library fund: Provided, that districts in which the maximum levy, together with all other school funds, do not yield a revenue sufficient to support a four months term of school, during the school year, shall not be subject to the provisions of this and the following section. [Revised Laws 1910, Section 7937]

Sec 1142 Books to be purchased from list. The county board of examiners of each county shall furnish the county superintendent a list of books, together with the list price of each, and the price at which they may be purchased, as nearly as possible, which list shall designate the order of purchase and shall govern the order of purchasing, so far as the funds will permit, and the county superintendent shall, within thirty days thereafter, mail to the secretary of each district board in the county the list of books furnished as herein provided, together with prices and other information and instruction for carrying out the provisions of this and the preceding section. The county

board of examiners shall, at periods of not longer than two years thereafter, furnish additional lists of suitable books and periodicals, to be a guide to future purchases by district boards. All such purchases shall follow the order given by the county board of examiners so far as the funds will permit, unless the lists include books already in the library of such school. No district board or board of education shall contract or pay in warrants, or otherwise more than the lowest wholesale price of the books so purchased, and any and all warrants issued in excess of such sum shall be void as to the excess. [Rev. Laws 1910, Sec. 7938]

L. TAX EXEMPTION

(Oklahoma Stats 1941, Title 68, p.2075, s 15 2)

OREGON

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A. STATE LIBRARY

(Oregon Compiled Laws Anno 1940, v8, p 332-338, s 111-3501 to 111-3520, Laws of 1941, p 710-711, ch 417, amending s 111-3519, 111-3520)

§ 111-3501 **Trustees of state library; appointment; term.** The governor shall appoint three persons, who with the governor, superintendent of public instruction, chancellor of the Oregon state system of higher education, and librarian of the library association of Portland, shall constitute the trustees of the state library One member appointed by the governor shall be appointed for a term of one year from the first day of June, 1933, one member for a term of three years from the first day of June, 1933, and one member for a term of five years from the first day of June, 1933; and all subsequent appointments shall be for the term of five years, except appointments to fill vacancies, which shall be made by the governor for the unexpired term. [L. 1933, ch.341, s 1, p 534.]

§ 111-3502 **Designation of library; library commission to be known as trustees of state library; existing laws applicable; state librarian; laws applicable to librarian.** The library known as that of the library commission shall hereafter be known and designated as the state library and the library, commission shall be known and designated as trustees of the state library, and all laws now in force relating to the library commission, the manner and personnel of its constitution, its duties and appropriations made for it, shall apply to and be enforced by the trustees of the state library, the secretary of the commissions shall become librarian of the state library, and the provisions relating to the secretary of the library commission shall be applicable to the librarian of the state library [L 1913, ch 149, s 2, p.263.]

§ 111-3503 **Trustees to control state library; appointments; fixing compensation of appointees.** The state library shall be under the control of the

trustees of the state library who shall make all necessary rules for its government, appoint the librarian and assistants, and fix their compensation. [L.1913, ch 149, s.5, p.263.]

§ 111-3504. **Duties and powers of trustees.** The commission [trustees] shall give advice to all schools, free and other public libraries, and to all communities which may propose to establish them, as to the best means of establishing and maintaining such libraries, the selection of books, cataloguing and other details of library management. It may also purchase and operate traveling libraries, and circulate such traveling libraries within the state among communities, libraries, schools, colleges, universities, library associations, study clubs, charitable and penal institutions, free of cost except for transportation, under such conditions and rules as shall protect the interest of the state and best increase the efficiency of the service it is expected to render the public. It may publish such lists and circulars of information as it shall deem necessary, and it may also conduct a summer school of library instruction and a clearing house for periodicals for free gift to local libraries [L. 1905, ch 44, s.2, p.104]

§ 111-3505 **Gifts; receipt and administration; power of trustees; foreclosure, etc., of mortgages acquired by gift; suits and proceedings.** In addition to all other powers vested in them by law the trustees of the state library shall have power to acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, invest, improve and develop any and all property real and personal, given to or for the benefit of the state library of the state of Oregon by private donors, whether the gifts of the said property be made to the state library or to the trustees of the state library or to the state of Oregon for the benefit of said state library, and to accept by assignment and hold mortgages upon real and personal property acquired by way of gift or arising out of transactions entered into in accordance with the powers, duties and authority herein given to the said trustees, and to institute, maintain and participate in suits and actions and other judicial proceedings in the name of the state of Oregon for the foreclosure of such mortgages or for the purpose of carrying into effect any and all of the powers, duties and authority now vested in or herein given to said trustees. [L. 1939, ch.180, § 1, p 359.]

§ 111-3506. **Income from gifts; how used; "State Library Donation Fund"; administration of fund; compliance with wish of donor.** The interest, income, dividends or profits hereafter received on any property or funds of the state library derived from gifts, legacies, devises, bequests or endowments shall be deposited with the state treasurer and hereby are set apart and appropriated to the use, maintenance and support of the state library, in like manner as the principal or corpus of each such gift or donation hereafter may be set apart or appropriated. All such gifts or donations shall be placed by the state treasurer to the credit of a separate fund, to be known as the "State Library Donation fund," and the state treasurer shall credit

monthly to such fund any interest or other income derived from said fund or the investing thereof. The trustees of the state library may use and administer said state library donation fund for the benefit of the state library in such manner as said trustees shall elect, provided, that every gift, devise or bequest which shall be designated by the donor or testator for a specific purpose shall be administered according to the terms of the deed or gift, devise or bequest [L. 1939, ch 180, § 2, p 359]

§ 111-3507 **Audit of claims; warrants payable from donation fund.** The secretary of state of the state of Oregon hereby is authorized and directed to audit all duly approved claims which have been incurred in pursuance of law and the foregoing appropriation and to draw his warrants on the state treasurer for the payment thereof payable from the state library donation fund [L. 1939, ch 180, § 3, p 360]

§ 111-3508 **Federal aid; application for and receipt of federal funds; authority of trustees.** The trustees of the state library hereby are designated as the state agency to apply to and receive from the federal government or any agency thereof such grant or grants for promoting library service as now or hereafter may be available to the state of Oregon or any of its political subdivisions or agencies [L. 1939, ch 449, § 1, p 880]

§ 111-3509 **Disbursement of federal funds; planning disbursements; appointments on merit.** To these ends and purposes the trustees of the state library are authorized, directed and empowered

(1) To disburse or supervise the disbursement of all funds made available at any time by the federal government or the state of Oregon for said purposes.

(2) To adopt, carry out and administer a plan or plans for any such purposes. Such plan or plans so adopted shall be made statewide in application in so far as reasonably feasible, possible or permissible, and shall be so devised as to meet the approval of the federal government or any of its agencies, not contrary to or inconsistent with the laws of the state

(3) To provide that all appointments of personnel in the state library administrative agency shall be based on merit and efficiency and without regard to political consideration, other than members of boards within the state and elected officials therein [L. 1939, ch 449, § 2, p 880]

§ 111-3510 **State treasurer to be trustee of federal funds.** The state treasurer shall serve as trustee of funds apportioned to the state of Oregon at any time by the federal government [L.1939, ch 449, § 3, p 880]

§ 111-3511 **Audits; warrants.** The secretary of state shall cause audits to be made of the accounts and financial affairs of the trustees of the state library affecting any funds acquired for these purposes from the federal government, in the same manner and under the same conditions as is provided for the audit of state departments and institutions, and hereby is authorized and directed to draw his warrants on the state treasurer for pay-

ments of all duly approved claims which have been incurred in pursuance of this act and are available from such funds [L. 1939, ch.449, § 4, p.880.]

§ 111-3512 **Monthly reports by libraries** All libraries and other organizations participating in the benefits of any federal grant or grants for promoting library service shall make monthly reports to the trustees of the state library of money or other property received for these purposes, and the disposition made of same [L. 1939, ch 449, § 5, p 880]

§ 111-3513 **Reports to commissioner of education.** The trustees of the state library shall make such reports to the commissioner of education with respect to the expenditure of funds received from the federal government for these purposes, and the progress of library service provided by such funds, in such form and containing such information as the commissioner may require [L. 1939, ch 449, § 6, p 881]

§ 111-3514 **Chairman; librarian; employment of assistants; general duties of librarian; keeping record of proceedings of trustees; keeping accounts; supervising libraries; compensation and traveling expenses.** The officers of the commission [trustees] shall be a chairman to be elected from the members thereof for a term of one year, and a secretary [state librarian] not of its own number, to be appointed by the commission [trustees] who shall serve at the will of the commission [trustees,] and under such conditions as it [they] shall determine. It [they] may also employ such other assistants as shall be requisite to the performance of the work of the commission [trustees] as set forth in section 111-3504, who shall serve upon such conditions as the commission [trustees] may determine. It shall be the duty of the secretary [state librarian] to keep a record of the proceedings of the commission [trustees], to keep accurate account of its financial transactions, and to act under the direction of the commission [trustees] in supervising the work of traveling libraries, in organizing new libraries, and improving those already established, and in general to perform such other duties as may be assigned him by the commission [trustees]. In addition to his salary he shall be allowed his actual and necessary traveling expenses while absent from his office upon the services of the commission [trustees]. Such expenses, when approved by the chairman, or acting chairman, shall be certified under oath to the secretary of state in the same manner as other bills incurred by the commission [trustees]. No member of such commission [trustees] shall be compensated for his services, but accounts for the traveling expenses of the members thereof in attending meetings or establishing libraries and other necessary incidental expenses connected with their duties may be audited by the secretary of state when certified by the chairman and secretary of the commission [librarian]. [L. 1905, ch 44, s 3, p 104]

§ 111-3515 **Loaning of books; index of public documents; rules and regulations; designation of reference books.** The books of the state library shall be loaned free of charge to the people of the state of Oregon through

local public and traveling libraries and to individuals upon proper guarantee, in cities without public or traveling libraries and in rural communities. The state librarian, upon the taking effect of this act, shall also collect and index those public documents which shall be of service to state boards, officials, and commissioners, and for reference work for the members of the legislature for investigation of public questions. These services shall be rendered in accordance with rules and regulations to be fixed by the trustees of the state library who shall designate those books which are to be used for circulating and those which are to be kept as a reference collection. [L. 1913, ch.149, s.6, p.263.]

§ 111-3516 Cataloguing and purchase of books; distribution of state documents; maintaining library. It shall further be the duty of the state librarian to catalogue the books, pamphlets and documents received by purchase, gift or exchange and keep them in order for circulation and examination; to purchase books for loaning to the people of the state as provided in section 111-3515, to purchase reference books and periodicals for the use of state officers and departments, to provide for the care and distribution of Oregon state documents and, in general, to do all things necessary for the maintenance of a state library [L. 1919, ch 190, p 279]

§ 111-3517. Surrender of state senate and house journals for exchange and distribution. The secretary of state be and is hereby authorized and directed to surrender to the custody of the state library all house and senate journals covering sessions of the legislative assembly held prior to the year 1913, with the exception of twenty-five (25) copies of each volume which he shall retain, the state library to use the volumes so turned over to it for exchange purposes with other libraries and make such further distribution thereof as the trustees of the state library shall direct. [L. 1915, p 614; O.L. § 5493.]

§ 111-3518. Fixing compensation of librarian; payment of expenses; offices, equipment and janitor service. The salary of the secretary [state librarian] shall be fixed by the commission [trustees]. Traveling expenses of the Commission [trustees] and secretary [state librarian], books and other incidental expenses of the commission [trustees], shall be paid from its appropriation as determined by the commission [trustees]. Suitable offices in the state house, janitor service, office supplies, and furniture shall be provided by the secretary of state, who shall pay commission accounts [of the trustees] for postage, express, freight, telegraph, telephone and drayage in the same manner and under the same regulations as for the executive officers of the state.

§ 111-3519. School library fund and contingent fund; sources; receipts for deposits. The state librarian shall deposit with the state treasurer all funds paid to said librarian on account of public school library orders, and such funds shall be kept by the treasurer in a separate account to be known as the Oregon library school library fund, and the state librarian shall also

deposit with the state treasurer all moneys received from borrowers and patrons of the state library in payment for lost books, for delinquencies in return of books, and for freight payments, the same to be kept in a separate account to be known as the Oregon library contingent fund, provided that the state librarian may retain out of such receipts which constitute the library contingent fund, not to exceed the sum of fifty dollars (\$50) to be used for making change and petty cash payments, and shall submit vouchers to the secretary of state from time to time together with receipts covering such payments for audit and approval. The state treasurer shall receipt to the state librarian for all moneys deposited in accordance with this act. [Laws 1941, ch 417, p 710-711]

§ 111-3520. **Audit of claims; warrants; credits to contingent fund; purposes for which funds may be used.** The secretary of state shall audit all claims authorized by said trustees to be paid from the funds so deposited, certified to by the state librarian, and draw his warrant on the state treasurer for the amount found due thereon in favor of the person entitled thereto; provided, however, that all moneys received from the counties of the state of Oregon in payment for annual school library orders, as required by law, shall be used solely to pay for such orders, and that all other receipts of the librarian deposited in accordance with this act shall be credited to the library contingent fund, and may be used for books, pamphlets and periodicals, and for any other purposes specified by the trustees. [Laws, 1941, ch 417, p.710-11]

B. SUPREME COURT LIBRARY

(Oregon Compiled Laws Anno 1940, v 6, p 443-445, s 93-127, 93-129 to 93-136.)

Sec. 93-127 **Fee for application for admission to bar; disposition of fees.** Each applicant for admission to the bar on examination shall file a written application, and shall pay to the clerk of the supreme court the sum of \$20 as filing fee. Each applicant who shall take the bar examination more than once shall file a new application and pay the regular application fee before each examination. Each applicant for admission on certificate from some other state shall pay at the time of filing an application the sum of \$50. The clerk of the supreme court shall pay all sums so collected into the state treasury, monthly, to the credit of the "supreme court library fund" and the same shall be expended and paid out on the approved vouchers as in the case of the disbursement of other state funds, under direction of the supreme court for defraying the expenses of conducting bar examinations, and for the purchase of law books for the supreme court library [L. 1931, ch.147, s.1, p 214]

Sec. 93-129. **Former state library to be known as supreme court library of Oregon; librarian; laws applicable.** The library now known as the state library shall hereafter be known and designated as the supreme court library of Oregon, and the officer now known as the state librarian shall be known

and designated as the librarian of the supreme court library, and all laws now in force relating to the state library and the duties of the state librarian, except such as are herein amended, and making appropriation for and directing money to be paid to the state library, shall apply to and be in force by the supreme court library of Oregon, and the librarian of the supreme court library [L 1913, ch 149, s.1.]

Sec 93-130 Library under control of supreme court; rules for government and use of library; appointment of librarian and assistants; fixing compensation. The supreme court library shall be under the control of the supreme court and said court shall make all rules for its government, use of the library, and shall appoint the librarian and assistants and fix their compensation [O L 1930, 288-403]

Sec 93-131 Bond of librarian. Such librarian shall give an undertaking to the state of Oregon in the sum of \$1,000, with one or more sufficient sureties, to be approved by the justices of the supreme court, or by a majority thereof, to the effect that he will faithfully and impartially perform the duties of his office, and safely keep and account for the public property committed to his custody [L 1905, ch 24, s 4]

Sec. 93-132 Duties of librarian. It shall be the duty of the librarian of the supreme court library to turn over to the state library such books, documents, and pamphlets, and all other material received in its capacity as a general depository library for federal and state documents, and such Oregon documents as are now held or shall in future be published for distribution and exchange, with the duties of custodian of documents as provided in sections 2697-2703 of Lord's Oregon Laws, such other books and pamphlets as may be mutually agreed upon, or as ordered by the supreme court, provided, that all books and publications of a legal nature shall be retained by the supreme court library, and all legal books and publications which shall hereafter be received in exchange by the state, shall be turned over to the supreme court library [L 1913, ch 149, s 3]

Sec 93-133 Authority to exchange codes, laws and reports with other states and countries. The librarian of the supreme court library be and he is hereby authorized to send, free of charge, one copy of the codes, session laws and supreme court reports of this state as the same may, from time to time, be printed and published, to each of the states of the United States that exchanges, free of charge, its codes, session laws and supreme court reports with this state, and in like manner to each foreign country that so exchanges its codes, session laws and supreme court reports with this state [L 1913, ch 166, s 1]

Sec 93-134 Duty of secretary of state to furnish librarian with copies for exchange. The secretary of state is hereby directed to supply the state librarian with a sufficient number of copies of the codes, session laws and supreme court reports of this state, from time to time, as the same may be printed and published, to enable the state librarian to carry out the purposes

of this act, upon requisition for the supreme court of the state of Oregon. [L. 1913, ch.166, s.2.]

Sec 93-135 Authority to sell surplus unused sets of codes and laws. The librarian of the Oregon supreme court law library hereby is authorized to sell and dispose of, at prices to be fixed by the said librarian with the approval of the supreme court of Oregon, the surplus unused sets of Oregon Codes and session laws of the state of Oregon now or hereafter in the custody of the said librarian which are not needed by him for the purpose of exchanging for the codes and session laws of other states and for other books for the said law library [L. 1939, ch 286, s 1, p 559]

Sec 93-136 Sales to be for cash; disposition of proceeds. The said sales shall be made for cash, and proceeds of such sales shall be turned over by the said librarian to the treasurer of the state of Oregon and become a part of the general fund of the state of Oregon. [L. 1939, ch 286, s 2, p 559]

C. STATE MEDICAL LIBRARY

(Oregon Compiled Laws Anno 1940, v 4, p 1021, s 54-915)

Sec 54-915 Disposition of receipts; allocation for general state purposes; appropriation for University medical school library; board expense fund; bond of treasurer; payment of premium; statement accompanying remittances to state treasurer. The money received by the state board of medical examiners shall be paid to the treasurer of said board who shall transmit the same to the state treasurer, to be deposited by him in the general fund of the state, and 10 per cent thereof shall be subject to appropriation for general state purposes. A sum equal to 20 per cent of the amount paid into said board as annual registration fees under the provisions of chapter 452, General Laws of Oregon, 1927, shall be and become automatically appropriated to the University of Oregon medical school to be used in building up and maintaining a circulating library of medical and surgical books and publications for the use of practitioners of medicine and surgery in the state of Oregon, and when not so in use to be kept at the library of said medical school and accessible to its students. The balance of the money transmitted to the state treasurer shall be credited as and shall constitute an appropriation from said general fund in favor of said board of medical examiners to be used in the payment of the necessary expenses incurred by authority of said board, but any part of said balance may, upon the order of said board, become appropriated to said circulating library fund. The treasurer of said board of medical examiners shall give a bond in a sum to be fixed by the said board running to the state of Oregon conditioned upon the faithful discharge of his duties, and the proper accounting for and paying over all moneys coming into his possession as such treasurer which bond shall be approved by said board. The premium of said bond shall be paid from any moneys available for the expenses of said board. The treasurer of the board of medical examiners shall transmit to the state treasurer with each remit-

tance of money a statement showing on what account such money was collected by the board. [Oregon Laws, 1933, ch.221, s.1, p.303.]

D. COUNTY AND MUNICIPAL LIBRARIES

(Oregon Compiled Laws Anno. 1940, v.8, p 339-347, s 111-3521 to 111-3539;
Laws of 1941, p 92-93, ch 59, amending s 111-3529)

Sec. 11-3521. Powers of counties or cities to establish and maintain free public libraries; tax; public library fund; when city exempt from library tax levy; contracting library; securing service from; payment for service; annual reports. Any county or incorporated city shall have the power to establish, equip and maintain a free public library, or maintain and support any free public library already established therein, and to contract with existing and established free public libraries for the purpose of providing free use of the libraries for their inhabitants residing within their respective territorial limits, to levy annually and cause to be collected, as other general taxes are collected, a tax upon each dollar of the assessed value of the taxable property of such county or city to provide a library fund, which fund shall be kept separate from other money of the county or city, to be used exclusively to maintain such library, and through library boards to purchase real estate and build buildings thereon necessary for properly housing and maintaining such libraries. All such money so appropriated or collected from taxes so levied shall be placed in a separate fund to be known as the "public library fund" and shall be disbursed only upon the order of the public library board of such county or city as hereinafter provided; provided, however, that the common council of any incorporated city within such county, except the city in which a central county library is located as provided in section 111-3527, having a population of not less than 4,000 people, and maintaining a free public library by annual taxation to a total amount of not less than \$2,000, may, upon majority vote of its members, after notice of such contemplated action and the date and place of meeting at which such action is proposed to be taken, publish in the newspapers of that city at least once a week for four successive weeks, and with the written consent of a majority of the members of the public library board of such city, claim exemption from such county library tax and make official notification of such action to the county court, and the county court shall thereupon exempt the taxable property within the limits of such city from the next annual county tax levy for county library maintenance herein provided for, and such city shall not participate in the benefits of such county free library, and such exemption from library tax and service shall continue until such city shall annul such action and be included in the county tax levy for such library maintenance, provided further, that if there be in any county any such incorporated city with population and with free public library facilities sufficient to entitle it to claim exemption from county library tax, such free public library may, whether exempt or nonexempt from county li-

brary tax, become a contracting library for service to adjoining and tributary school districts; which school district or districts, having first given to the county court, the county library board, and to the proposed contracting library thirty days' written notice of intention to vote on the question of withdrawal, may, by majority vote at the annual school meeting, determine to secure free library service from such contracting free public library in lieu of service from the county library, and upon written request of any such school district pursuant to such affirmative vote, it shall be the duty of the county court of such county in which a county library is operated in any manner provided by law, to set aside from the county library fund and to pay annually to such contracting library herein described a sum equal to the amount collected for county library purposes from such school district, and to approve and enforce said contract between the board of trustees of such contracting free public library and the board of directors of such school district, provided such contract guarantees to residents of such school district all the library privileges required by law and by county library contract of such county for districts receiving library service from such county library. Such contracting library shall report annually to the county court and to the county library board of such county, stating the condition of the trust as provided by section 111-3534 [O L. 1927, ch 432, p.622, O.C. 1930, s 35-4412]

Sec 111-3522. Manner of establishment; public library board; appointment; members; terms of office. The manner of establishing a public library under this act shall be as follows; In case of a county, the county court sitting for the transaction of county business, or the board of county commissioners, as the case may be; in the case of an incorporated city, the common council, commissioner, or legislative body, whatever the same may be called, desiring to establish and maintain a public library, shall pass and enter upon its minutes a resolution, or ordinance, if required by the charter of the city, to the effect that a free public library is hereby established under the provisions of the laws of the State of Oregon relating to public libraries and providing for the appointment by the judge, mayor, or other presiding officer and confirmation by the governmental body establishing such library, of a public library board of said county, or city, as the case may be, consisting of five members, one to hold office for one year, one to hold office for two years, one to hold office for three years, and two to hold office for four years, from the first day of January in the year of their appointment, and until their successors are appointed. [O L. 1919, ch 357, s 2, p 626]

Sec. 111-3523. Appointment of new members; terms of office; filling vacancies. At the expiration of the term of any member of said public library board, the same governmental body which established said public library, or their successors in office, shall appoint a new member for a term of four years. In case of a vacancy occurring upon said public library board, said governmental body shall appoint a new member to fill the unexpired term of

the member whose office is vacant. [O.L. 1919, ch 357, s 3, p.626.]

Sec. 111-3524. Organization of board; officers; employment of assistants; name of library. Said public library board shall, upon its appointment, immediately meet and organize, by the election of a president and treasurer from its members, and by the election or appointment of a secretary. It may employ such assistance as it may deem necessary, and the public library established and maintained by such board shall thereafter be known as "the public library" of such county, or city, as the case may be [O.L. 1919, ch. 357, s 4, p 626, O C. 1930, s.35-4415.]

Sec. 111-3525 Powers and duties of board. Upon such organization, said library board shall have power:

(1) To establish and locate a central public library with branches thereof at such places as may be deemed necessary

(2) To contract and be contracted with, including the right to contract with counties, cities and school districts for library service, through the library boards of such counties and cities, and the board of directors of such school district, and to expend the public library fund in carrying out the purpose of such contract

(3) To purchase, receive, possess and dispose of all property, both real and personal, necessary for the establishment or maintenance of a public library and branch libraries, and to have the supervision, care and possession of the rooms or buildings constructed, leased or set apart for library purposes.

(4) To make bylaws, rules and regulations for their own guidance and for the government of the library not inconsistent with existing law

(5) To appoint, pay and discharge all employes necessary for the operation of said library, to expend all funds donated, given or appropriated, or taxes collected for the library, to select and purchase books for said library, provided, however, that it shall be unlawful for a library board of a library having an income not in excess of \$2,500 a year to purchase or to make accessible to the public any books except as recommended in the book lists issued by the American library association, or any state library or school department, and to audit all claims, accounts and vouchers in connection with the financial management of the library, limited only by the amount of the appropriation or taxes collected or funds donated, given or otherwise secured

(6) And generally to exercise all such implied powers and to do all things necessary for the establishment and maintenance of a public library not inconsistent with existing law. [O L. 1921, ch.59, p 81]

Sec. 111-3526 Pecuniary interest in contracts forbidden; compensation; appointment of elective officers No member of any public library board or the body appointing such board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall receive a salary or any payment for material or for service rendered

said board. Not more than one elective officer of any county or city shall serve at one time as a member of any public library board. [O.L.1919, ch.357, s.11, p.626]

Sec. 111-3527 Location of central county library; removal; functions; branch libraries. Whenever a county court has established a county public library and appointed a library board, such board shall locate a central county library in the county seat, unless another city in the county exceeds such county seat in population by more than twenty per cent, according to the latest federal census, in which event, the county library board shall locate the central county library in the largest city of such county and when once located such central county library shall not be removed to another city by reason of change in population. The central county library shall be the principal repository for county library books and the administrative headquarters for the county library system. Branch libraries and reading rooms may be established and maintained as determined upon by the county library board. [O L. 1919, ch 357, s.6, p 626.]

Sec 111-3528 Annual budget; limitations upon indebtedness and use of funds; audit and approval of claims; drawing and paying warrants. Each public library board shall file with its respective county or city, as the case may be, on or before the first day of November of each year, a budget containing an estimate of the amount of money necessary for the use of such public library for the ensuing calendar year. No public library board shall incur an indebtedness to exceed the amount of money in its library fund. No money appropriated for the purpose of the maintenance of a public library shall be used for the purchase of any real property or the erection of any buildings, but this shall not prohibit expenditures for the maintenance, repairs and betterment of buildings already erected. At least once each month the public library board shall meet, examine and audit all accounts, demands and claims against the public library which is under their supervision, and such as they find to be correct and valid claims and payable out of the library fund they shall cause to be marked "approved" and signed by the president and secretary of such board and filed with the county or city maintaining such library, as the case may be, with vouchers in support thereof. Thereupon the county clerk of the county, or the city recorder or other proper officer of the city having the duty of drawing warrants upon the city in his office, as the case may be, without further audit, shall file said vouchers in his records and draw warrants upon the library fund for said accounts, demands and claims, in the same manner as other warrants are drawn, and said warrants shall be paid by said county or city, as the case may be, from such library fund. No warrants shall be drawn nor any money paid from said library fund without the approval of said public library board. [O L.1919, ch 357, s.7, p 626]

Sec 111-3529 Contracts with other libraries for library service; private libraries; use of payments made. If there exists in any county or city a

secular or nonsectarian library, owned and controlled by a society or corporation, such county or city may through its county court or city council, as the case may be, in lieu of establishing or maintaining a public library as herein before provided enter into a contract with such society or corporation for the purpose of providing the inhabitants of such county or city with the free use of the library upon such terms and conditions as may be agreed upon; provided, however, that all money paid to such society or corporation under said contract shall be expended solely for the support and maintenance of the library and for no other purpose. Any county, through its county court, in lieu of establishing or maintaining a county public library, may enter into a contract with the county library board of an adjoining county maintaining a library for library service, and such adjoining counties are authorized to furnish such library service upon such terms and conditions as may be agreed upon.

When any county has entered into a contract through its county court for library service, as herein provided, the library fund of such county shall be disbursed upon the order of the county court of such county. [L.1941, ch.59, p.92-93.]

Sec. 111-3530. Contracts with public libraries; terms of contract. If there exists in the county seat of any county, or in the largest city in the county which fulfills the requirements of section 111-3527 for the location of a county library in a city other than a county seat, a free public library which has been established by a city, the county court of such county, in lieu of establishing a county library under this act, may enter into a contract with such public library for the purpose of providing the inhabitants of such county with the free use of such public library, and other adequate library service. Such contract shall provide for a definite apportionment of funds, for the marking, recording and segregation of books so that their separate ownership may be easily determined for deposits of books in all incorporated cities in the county and for free transportation of books, upon request, to residents of the county who live outside incorporated cities. No county court may enter into such contract for public library service to a county except upon express provision that the books of the contracting public library be made free to all residents of the county, to be used for lending and for deposit in branch libraries and other libraries participating in the county library service, on the same terms provided for books bought by county funds. Under the terms of such contract provisions shall be made for deposit of books in any city library of the county already established as may be equitable and just in consideration of the proportionate share of such county library tax paid by such city. [O.L.1919, ch.357, s.9, p.626.]

Sec. 111-3531. Contracts by cities and school districts; method of payment; levy of tax, etc. Any city which has not established a library under the library laws of the state may through its council, and any school district may through its board of directors, contract with the boards of

existing free public libraries for library service for such city, or school district, and may levy a special tax or appropriate money from its general funds or expend its library fund to meet the terms of such contract. [O.L.1919, ch.157, s.10, p.626.]

Sec. 111-3532. Existing contracts not affected; amending contracts. Nothing contained in this act shall affect nor change the terms of any library contract heretofore executed by any county or city, but the parties to said contract may, nevertheless, amend such contract so as to make it conform to all or any provisions of this act. [O.L.1919, ch.357, s 20, p 626.]

Sec. 111-3533 Use of library free; rules; exclusion of patrons; fines; use by nonresidents; interchange of books. Each library established under this act shall be forever free for the use of the inhabitants of the county or city which maintains the same, subject to such reasonable rules and regulations as the library board may adopt in order to render the use of said library of the greatest benefit to the greatest number, and the library board may exclude and cut off from the use of said library any, and all persons who shall wilfully violate such rules, or levy reasonable fines for violations of such rules and regulations. The library board may, upon such terms as may be deemed proper, extend the privileges and use of such library to non-residents of the taxing district which supports it, and provide for the interchange of books with any other library in the state of Oregon [O L.1919, ch.357, s.12, p 626.]

Sec 111-3534 Annual report; contents. On or before the first day of January of each year, every public library board in the state of Oregon shall make a report to the body maintaining such library and to the trustees of the state library stating the condition of their trust, the various sums of money received from the library funds, and all other sources, how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out and the general character of such books, the number of registered borrowers within each of the taxing districts which unite to support such library, with such other statistics, information and suggestions as they may deem of general interest. [O.L.1919, ch.357, s 13, p.626.]

Sec. 111-3535. Tax levy to build central library; public library building fund; site; library board authorized to accept gifts; use of gifts to build branch library; site provided by city; providing funds for site and buildings; how title to library property vested; contracts for use of library buildings; plans and contracts for erection; use of library buildings free. Any county in this state is hereby authorized and empowered, in its discretion, to assess, levy and collect, in the manner provided for the assessment, levy and collection of other taxes for county purposes, a special tax, not to exceed one mill on each dollar of the assessed value of all taxable property within such county, for the erection of library buildings. The proceeds of any such tax levy shall be placed in a separate fund, to be known as

the "public library building fund," and shall be expended only for the purpose for which the same is levied, and no moneys shall be drawn from said fund except upon warrant drawn by order of the public library board for the county for which any such tax may be levied. Said tax is to be assessed, levied and collected for the purpose of erecting a central public library building upon a site approved by the public library board of said county and conveyed to such county by any person, firm, corporation, or city, school district or union high school district, and said building when erected is to be maintained and operated as a public library free to all inhabitants of the county. The public library board of any such county may, and is hereby authorized and empowered to accept sites, buildings and equipment, or other donations, bequests or gifts for or of the same, for public library purposes, and where a central library building is provided in whole or in part by donations or otherwise, any remaining portions of the fund authorized herein may be used for or toward the erection of branch library buildings to be built in cooperation with any city within any county levying such tax. But no part of such building fund shall be used toward the construction of branch library buildings within any such county except upon condition that the city, where any such branch is located, shall provide a site acceptable to the public library board having charge of any county library system under this act and to the county court. Authority is hereby granted to any city to provide funds, as other funds are raised, through taxation or the sale of bonds or otherwise, for the purchase of sites and the erection of such branch library buildings. The title to the property acquired by any county under the provisions of this act shall be vested in the county accepting it, subject to the control of the public library board of such county. The public library board of any such county in which any such tax may be levied, may at its discretion contract for the use and occupation of any such building or buildings by any corporation maintaining and operating such central public library and branch libraries. Such contract may be upon such terms and conditions, and extend for such period, as the public library board shall deem advisable; and the plans for any such building or buildings shall be in accordance with the plans prepared by architects to be selected by and under the control of the public library board of such county and contracts for the erection of such buildings shall be made by said public library board. All library buildings so built, in whole or in part, from any of the funds to be raised in accordance with the provisions of this act, shall be free for the use of the inhabitants of the county where the same may be located, subject only to such reasonable rules and regulations as may be prescribed by the management of the corporation using and occupying said buildings and maintaining and operating public libraries therein. [O.L 1919, ch.357, s 14, p.626]

Sec. 111-3536. Vesting of title donations; special trust. All persons desiring to make donations of money, personal property or real estate for

the benefit of any public library shall have the right to vest the title thereto in the name of the public library to which the same is given, to be held and controlled by the public library board of such library, according to the terms of the deed or gift, devise or bequest, and as to such property, such public library board shall be held and considered to be special trustees [O L 1919, ch 357, s 15, R 626; O C 1930, s 35-4426]

Sec 111-3537 Treasurer of public library; duties; bond. The treasurer of each public library shall have the custody of all money the title of which is vested by gift in said public library unless otherwise provided by the terms of the gift. The treasurer of each public library, before receiving the funds of the library shall give a surety bond approved by the public library board, in such sum as may be determined by such board and sufficient in amount to equal the estimated largest sum of money such treasurer will have in his custody at any time during the year next following, and such bond shall be renewed from year to year [O L 1919, ch 357, s 16, p 626]

Sec 111-3538 Abolition of public libraries or library services; limitations. Any public library established under this law, or any public library service established by contract under this law, shall not be abolished or discontinued nor support be withdrawn therefrom, except by a vote at two consecutive annual meetings or two meetings held at intervals of at least twelve months of the body which established said library or entered into such contract for library service [O L 1919, ch 357, s 19, p 626]

Sec 111-3539 Conformity to act by existing libraries; procedure. Libraries heretofore organized under the laws of the state of Oregon may have their organizations changed so as to conform to this act by resolution of the governmental body which established said library, which resolution shall outline the procedure necessary to be taken for such change [O L 1919, ch 357, s 21, p 626]

E. SCHOOL LIBRARIES

(Oregon Compiled Laws Anno 1940, v 8, p 347-350, s 111-3541 to 111-3548)

Sec 111-3541 General school library fund; counties with less than 100,000 population, tax levy; amount; use. The county court of the several counties of this state which have a population of less than one hundred thousand inhabitants are hereby required to levy, at the same time they levy other taxes, a tax upon all taxable property in their counties for school library purposes, which shall aggregate an amount which shall be not less than ten cents per capita for each and all the children within the county between the ages of four and twenty years, as shown by the then preceding school census, which shall be collected at the same time, and by the same officers, as other taxes are collected, and such aggregate sum, when so levied and collected, shall be known as the general school library fund of the county, and such fund shall be set aside and used for no other

than school library purposes, in the manner hereinafter provided for. [L.1905, ch.132, s.1, p.235.]

Sec. 111-3542. Certificate of amount subject to apportionment. It hereby is made the duty of the county treasurer to certify to the county school superintendent, on the fourth Monday of March of each year, the total amount in the general school library fund in his hands subject to apportionment by the county school superintendent. [L.1937, ch.120, s.1, p.156.]

Sec. 111-3543. Manner of apportionment; notice of apportionment. The county school superintendent shall, upon the first Monday of April of each year, make an apportionment of the entire general school library fund provided for in this act, then in the county treasury, in the following manner: Of the general school library fund collected in pursuance of the general school library levy of the county court he shall apportion to each district in his county that has reported to him according to law, in proportion to the number of persons in each district over 4 and under 20 years of age, as shown by the last school census. When such apportionment has been made he immediately shall notify the districts of their respective shares and also shall notify the librarian of the state library of the amount of money apportioned to each district, and the number of school children in each district. [L.1937, ch.120, s.2, p.156.]

Sec. 111-3544. Books; method of purchasing. Between the first Monday of April and the first Monday of May in each year, the directors of each district and the county superintendent shall select from the lists prepared and furnished by the Oregon library commission [trustees of the state library] and according to the rules of such commission [trustees] as in section 111-3545, provided, such books as are desired for their district, the aggregate mailing price of which shall not exceed the amount apportioned to such district from the general school library fund for the current year, and immediately upon making such selection the county superintendent shall mail a copy of the list so selected to the Oregon library commission [trustees of the state library]; provided, that if the commission [trustees] is [are] not notified of such selection by the second Monday in May of each year, the commission [trustees] shall make the selection for such district. As soon as the commission [trustees] has [have] obtained lists of books for all school districts selected in the manner above provided, it [they] shall order such books from the dealer or dealers who have agreed to furnish them at the lowest price. At the time of ordering the books the commission [trustees] shall notify the county superintendent of each county of the amount of money such books as have been ordered for the districts in his county will cost, including expense of transportation to each district, and upon receipt of such notice each county superintendent shall draw a warrant in favor of the Oregon library commission [trustees of the state library] for such amount and transmit the same to the com-

mission [trustees], who shall thereupon settle with the dealer or dealers for the books purchased. Upon the delivery of the books so ordered, the commission [trustees] shall cause them to be distributed to the respective school districts according to the lists furnished by such districts. [L.1919, ch.423, p.800; O.L. s.5522.]

Sec. 111-3545. Preparation and distribution of lists of books; contents. It is hereby made the duty of the Oregon library commission [trustees of the state library] to prepare annually lists of books suitable for use in school libraries and to make rules regulating selections from such lists. Such lists shall state the retail and mailing price of each book, and said price shall be the lowest obtainable by the commission [trustees] by receiving bids from more than one responsible dealer. It shall be the duty of the commission [trustees] to furnish the county superintendent copies of such lists and rules, from time to time as issued, for distribution to school officers. [L.1905, ch.132, s.5, p.235.]

Sec. 111-3546. Record of books purchased. It shall be the duty of each county superintendent to keep a complete record of the books purchased and distributed by him, together with the purchase price of said books. [L.1905, ch.132, s.6, p.235.]

Sec. 111-3547. Librarian; appointment; duties; records; placement, care, and supervision of books. The county superintendent shall appoint a librarian who shall receive and have the care and custody of the books, and shall loan them to the teachers, pupils and other residents of the district, in accordance with the rules and regulations prescribed by the Oregon library commission [trustees of the state library] for the control and management of school libraries. Each librarian shall keep a complete record of the books furnished by the board of directors. During the periods that the school is in session, the library shall be placed in the schoolhouse, and the teachers shall be responsible to the district for its proper care and protection. The district board shall have supervision of all books and shall make an equitable distribution, thereof among the schools of the district. [L.1905, ch.132, s.7, p.235.]

Sec. 111-3548. Formulation of rules and regulations. It is hereby made the duty of the Oregon library commission [trustees of the state library] to formulate and prescribe rules and regulations not inconsistent with the provisions of this act for the control and management of all school libraries that may be purchased in accordance with this act. [L.1905, ch.132, s.8, p.235.]

F. COUNTY LAW LIBRARIES

(Oregon Compiled Laws Anno. 1940, v 6, p 519-521, s.93-814 to 93-820.)

Sec. 93-814. Law library fees; collection and amount in counties of more than 100,000 inhabitants in county and circuit court actions; law library associations entitled to receive such fees; use of law library. In all counties

of this state containing more than 100,000 inhabitants, it shall be the duty of the clerks of the circuit and county courts, or if there be no clerks of the circuit and county courts, then of the county clerks, to collect in each civil suit, action or proceeding filed in either the circuit or the county court, in the manner in which other fees are collected therein, as law library fees, the sum of \$2 from the plaintiff or other moving party at the time of the filing of the first paper therein, and the sum of \$1 from each defendant, respondent or other party who shall appear separately therein, or from such defendants, respondents or other parties as shall appear jointly therein, to be collected at the time of the filing of the first paper by any such defendants, respondents or other parties; provided, however, that no law library association shall be entitled to receive such fees unless such law library association shall permit the use of its library by all attorneys at law duly admitted to practice law in the state of Oregon, without charging any dues or fees of any character whatsoever for such use. [L 1921, ch 132, p.247]

Sec 93-815 Contract with law library associations as to use of library; paying over fees to such associations. In all such counties the county court is hereby authorized to contract with any law library association or corporation owning and maintaining a law library in the said county at or convenient to the courthouse, for the use of said library by the judges of the circuit and county courts, county commissioners, the district attorney, and all attorneys at law duly admitted to practice law in the state of Oregon, and shall pay therefor all library fees collected pursuant to the foregoing section to the said library association or corporation for such use of the said library. [L 1917, ch 381]

Sec 93-816 Payment of fees to library association. On the first day of each month the county clerk or clerk of the court making such collections shall pay over to the said library association or corporation so contracted with, all the library fees collected for the preceding month, taking its receipt therefor. [L 1907, ch 239, p 424, s 3]

Sec 93-817 Collection and amount in counties of less than 100,000 inhabitants in county and circuit court actions; use of county-maintained law library In all counties of this state containing less than 100,000 inhabitants, it shall be the duty of the county clerks, when authorized and directed by the county court as hereinafter provided, to collect in each civil suit, action or proceeding filed in either the circuit or the county court, in the manner in which other fees are collected therein, in addition to the fees provided by law, and as law library fees, an additional sum equivalent to 15 per cent of the said filing fee now or hereafter provided by law, provided, said county owns and maintains, or hereafter may acquire, own or maintain, a law library at the county seat of said county, which law library is available or may be available at all reasonable times to the use of litigants, and the use of said library is permitted to all attorneys at law duly admitted to

practice law in the state of Oregon, without additional fees to such litigants or attorneys [L 1941, ch 358, p 614, O C L A v 6]

Sec. 93-818 Use of fees. In all of such counties the county court of said county is hereby authorized to use such part of said filing fees aforesaid as said county court may deem desirable for the purpose of acquiring, maintaining and/or operating a law library at the county seat of the county, at such place as it may direct, and the county court of said county is hereby authorized to use said moneys so received from said filing fees for the purposes of maintaining and operating such law library, and for no other purpose. [L 1927, ch 222, s 3, p 282]

Sec 93-819 Resolution of county court declaring law library; effect of resolution. The county court of any such counties, may, in its discretion, after a resolution duly passed by the bar association of the county therefor has been filed with the county clerk of said county, pass a resolution at a regular meeting of said county court, declaring that said county does now maintain and operate a law library as hereinabove provided for, or that said county proposes, from and after the passing of said resolution by the county court, to establish, maintain and operate such a library, and reciting that said county has a population of less than 100,000, and such resolution shall be authorization and direction to the county clerk of said county to charge the additional fees as library fees herein provided for [L 1927, ch 222, s 3, p 282]

Sec 93-820 When district court clerk to collect law library fees; amount; paying over and use of fees. In all counties where a district court is maintained and in which law library fees are collected by the clerk of the circuit court in civil cases and applied to the support or maintenance of any law library, the clerk of such district court shall collect as a law library fee in each civil suit, action or proceeding filed in said court, excepting actions in the small claims department, in the manner in which the other fees are collected therein, the sum of 25 cents from the plaintiff or other moving party at the time of the filing of the first paper therein, and the sum of 20 cents from each defendant, respondent or other party who shall appear separately therein or from such defendants, respondents or other parties as shall appear jointly therein at the time of the filing of the first paper by any such defendants, respondents or other parties. Said fees shall be paid over by said clerk and used and applied in the same manner as similar fees collected in the circuit court are paid over, used and applied [O L.1935, ch 377, s 1, p 592]

G. PROTECTION OF LIBRARY PROPERTY

(Oregon Compiled Laws Anno 1940, v 8, p 350, s 111-3551, 111-3552)

Sec 111-3551. Willful injury to library books, etc ; penalty. Whoever willfully or maliciously writes upon, injures, defaces, tears or destroys a book, plate, picture, engraving, map, newspaper magazine, pamphlet,

manuscript or statute (statue) belonging to a law, city, county, school district, state or other public or incorporated library, shall be punished by a fine of not less than \$5 nor more than \$50, or by imprisonment not exceeding six months. [L.1919, ch.357, s.17, p.626.]

Sec. 111-3552 Willful detention of library books, etc., after notice; penalty; contents of notice. Whoever willfully or maliciously detains any book, newspaper, magazine, pamphlet or manuscript belonging to a law, city, county, school district, state or other public or incorporated library for thirty days after notice in writing from the librarian of such library, given after the expiration of time which by regulations of such library such book, newspaper, magazine, pamphlet or manuscript may be kept, shall be punished by a fine of not less than \$5 nor more than \$25, or by imprisonment not exceeding six months; provided, that the notice required by this section shall bear upon its face a copy of this section. [L.1919, ch 357, s.18, p.626.]

H. TAX EXEMPTIONS

(Oregon Compiled Laws Anno. 1940, v 2, p.643-645, s.20-101, *Ibid*, v 7, p.1086, s 110-201)

PENNSYLVANIA

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A. STATE LIBRARY

(Purdon's Pennsylvania Stats Title 71, 1930, p 123, s 355, *Ibid* Title 51, 1931, p 205, s 2; *Ibid*. Title 72, 1931, p 128, s 4245)

Title 71 Sec. 355. **Library and museum.** The Department of Public Instruction shall have the power, and its duty shall be, to exercise the powers and perform the duties heretofore by law vested in and imposed upon the State Library and Museum, and the several divisions thereof The Superintendent of Public Instruction may designate the person in charge of the work to which this section refers, as the State Librarian

The department shall have the power, and its duty shall be:

- (a) To control, direct, supervise, and manage the State Library and Museum;
- (b) To edit the Pennsylvania Archives;
- (c) To maintain, as a part of the State Library and Museum, a law library,
- (d) To preserve all public records throughout the commonwealth, and to give special attention to the preservation of all records of the state government, not in current use, and of historical value;
- (e) To collect, classify, preserve, and make acceptable for reference, all records which may come into the possession of the library, with

such exceptions as may be indicated by the department, and to examine into the condition of the records, books, pamphlets, documents, manuscripts, archives, maps, and papers, kept, filed, or recorded in the several offices of the counties, cities, and boroughs of the State,

- (f) To recommend such action to be taken by the persons having the care and custody of public records, as may be necessary to secure their safety and preservation, and to cause all laws relating to public records to be enforced,
- (g) To furnish to persons applying therefor, certificates relating to the public records or copies thereof, upon the payment of such charges as shall be fixed by law,
- (h) To give advice and counsel to all free libraries in the State, and to all communities which may propose to establish free libraries, in the selection of books, cataloguing, and other details of library management, and as to the best means of establishing and administering such libraries,
- (i) Generally, to supervise and inspect free libraries, to require reports in such manner as may be deemed proper, and to establish and maintain a system of traveling libraries, as far as possible, throughout the Commonwealth,
- (j) To preserve objects illustrating the flora and fauna of the State, and its mineralogy, geology, archaeology, arts, history, and education, and, whenever deemed necessary, to illustrate the same with lantern slides or films, which may be circulated throughout the Commonwealth under such rules and regulations as the department may adopt, which rules and regulations may provide for a reasonable charge for the use of such slides and films. Provided, That in exercising its powers and performing the duties under subsections (b), (d), (e), and (f), of this section, the department shall consult and cooperate with the Pennsylvania Historical Commission [1929, P L 177, art XIII, § 1305]

Title 5, Sec 2 Public officers exempt from military duty. In addition to the persons absolutely exempted from enrollment in the militia by the laws of the United States, the following persons are exempted from military duty, namely * * * the state librarian. * * * [1899, May 9, P L. 266, s.2]

Title 72, Sec 4245 To be paid daily into the state treasury. From and after the beginning of the fiscal year commencing June first, one thousand nine hundred and seven, * * * the state librarian, * * * shall pay daily into the state treasury, for the use of the commonwealth of Pennsylvania, all fees, licenses, fines, penalties, commissions, costs, and all moneys received or collected, on behalf of the commonwealth, from any source whatever. [1907, May 25, P L 259, s 1]

NOTE—See Historical note to section 4245—By section 2 of Title 71, State Government, the positions of State Librarian * * * are abolished

B. STATE HISTORICAL COMMISSION

(Purdon's Pennsylvania Stats, Title 71, 1930, p 128, s.359, 1941 Suppl. p 44,45, s.359)

Title 71, Sec 359 Pennsylvania Historical Commission. Subject to any inconsistent provisions in this act contained, the Pennsylvania Historical Commission shall have the power

- (a) To continue to exercise the powers by law vested in the said Historical Commission,
- (b) Upon its own initiative, or upon petition of municipalities or historical societies, to mark, by proper monuments, tablets, or markers, places or buildings within this Commonwealth where historical events have transpired, and, with the consent of the State or county having jurisdiction thereof, places or buildings outside of this Commonwealth having to do with its history, and to arrange for the care or maintenance of such markers or monuments;
- (c) To undertake, within the means at its command, the preservation or restoration of ancient or historical public buildings, military works, or monuments, connected with the history of Pennsylvania, and, for this purpose, to contract with cities, boroughs, and townships, for and on behalf of the Commonwealth, or with historical societies, or other associations, with proper bond or security, for the maintenance of such buildings, works, or monuments, as a consideration for assistance in their erection, restoration, preservation, or marking, by the commission,
- (d) To transmit to the Department of Property and Supplies, for publication or republication, matters of historical or archaeological interest, and to cooperate with said department in compiling, heading, printing, and distributing such publications,
- (e) Upon its own initiative, or in cooperation with reputable societies or organizations, to conduct investigations upon historical or archaeological matters relative to Pennsylvania, and report the same public information,
- (f) To assume the preservation, care, and maintenance of historical buildings, grounds, monuments, or antiquities, committed to its custody by the General Assembly, and to make and enforce rules and regulations for the visitation of such places by the public, and at its discretion to charge admission fees therefor, such fees to be paid into the State Treasury, through the Department of Revenue, and credited to the General Fund [As amended 1941, July 21, P L. —, No 174, s 3]
- (g) To receive for and on behalf of the Commonwealth gifts, or bequests of relics, or other articles of historical interest, which shall be deposited in the State Museum, or, at the discretion of the Penn-

sylvania Historical Commission, in or on historic properties or shrines committed to its custody. [As amended 1937, May 28, P.L. 972, s.1.]

- (h) To accept for the Commonwealth gifts and bequests of, or securities for, the endowment of its work, in accordance with the instructions of the donors, and, in conjunction with the Governor, Auditor General, and State Treasurer, who shall, together with the members of the commission, constitute a body of trustees for the care of such funds, invest the same in the bonds of this Commonwealth, or of any political subdivision thereof, and to employ the interest and income from such investments for the purposes of the commission, or to apply the same to such uses as may have been specified by the respective donors of such funds;
- (i) To approve or disapprove the design and proposed location of all historical monuments, memorials, buildings, tablets, and inscriptions, and to cooperate in the care or restoration of historic sites, buildings, battle fields, and other historical undertakings, maintained or executed in whole or in part at the expense of the Commonwealth,
- (j) To accept and take title, in the name of the Commonwealth of Pennsylvania, to the sites of historical markers;
- (k) To examine any records within the control of the several departments, boards, and commissions, of this Commonwealth, for the purposes of historical research, and to copy any such records;
- (l) To examine, or cause to be examined or excavated, the sites and areas of former aboriginal or American Indian occupation within this Commonwealth, to acquire, by purchase, archaeological collections for the State Museum, to prepare a list of all such sites, to describe them, to report upon their specific archaeological culture, and to prepare for publication the information so obtained. All information, reports, scientific determinations, and other records, obtained by this survey, or archaeological collections acquired by purchase, shall be the property solely of the Commonwealth, to be deposited in the State Museum. In performing its duties under this subsection, the commission may consult and procure the advice of such archaeological and anthropological experts as it shall deem it advisable to consult [1929, April 9, P L 177, art XIII, s.1309]

C. LEGISLATIVE REFERENCE BUREAU

(Purdon's Pennsylvania Stats Title 46, 1941, p 425, 426, 427, s 451, 453, 455, 456; See also s.452, 454, 457-465 for nonlibrary provisions governing this bureau

Title 46, Sec. 451. **Bureau created; location; old Bureau abolished.** A Legislative Reference Bureau is hereby created for the use and information

of the Members of the General Assembly, the Governor, and the heads of the departments of the State Government, and such citizens of the Commonwealth as may desire to consult the same. The bureau shall be located in the State Library Building. The Legislative Reference Bureau as now existing is hereby abolished. [1923, May 7, P L. 58, s.1.]

Sec. 453. Qualifications, bond, duties, rights and salary of Director. The Director of the Legislative Reference Bureau shall * * * have access to the Law Library and the publications therein of the various State Governments and the United States Government, which may be generally classed as legislative documents. He shall receive a salary of seven thousand five hundred dollars per annum. [1923, May 7, P L. 158, s 3; 1929, May 17, P.L. 1803, s.1]

Sec. 455 Other officers and employees; appointment; qualifications; salaries and compensations. The director [of the Legislative Reference Bureau] shall appoint * * * a skilled reference librarian * * * [1931, May 6, P.L. 95, s.1]

Sec 456. Rooms and office hours of Bureau. The bureau shall continue to occupy the rooms in the State Library Building now occupied by the Legislative Reference Bureau, abolished by this act, so as to give it ready access to the volumes, catalogues, documents, and other papers in the State Library, and where the bureau will be convenient to the Members of the General Assembly and other persons having official business with the bureau. The bureau shall be kept open on business days from nine ante meridian to four post meridian during the entire year, and, when the General Assembly is in session, at such hours, day and night, as are most convenient to its members. [1923, May 7, P.L. 158, s.6]

D. LIBRARIES OF THE SENATE AND HOUSE OF REPRESENTATIVES

(Purdon's Pennsylvania Stats Title 46, 1941, p 376, 379, 399, 402, 403, s 21, 23, 87, 123, 124)

Title 46, Sec 21. Officers and employees of Legislature; enumeration of; appointment and election. From and after June thirtieth, one thousand nine hundred and nineteen, the officers and employes of each branch of the Legislature shall be as follows, namely,

I. In the Senate there shall be, in addition to the President and President pro tempore as provided for by the Constitution * * * one librarian, one assistant librarian, * * * two stenographers to the Senate librarian, one messenger in the Senate library * * * The assistant librarian, the stenographers to the librarian, and the messenger in the Senate library shall be appointed by the librarian. * * *

II In the House of Representatives there shall be, in addition to the Speaker as provided for by the Constitution, * * * one messenger in the House library. * * * The messenger in the House library shall be appointed

by the chief clerk * * * [1919, July 1, P L. 717, s 1, 1937, March 2, P.L. 31, s 1.]

Sec 23 Compensation of officers and employees. From and after June thirtieth, one thousand nine hundred and nineteen, the compensation of the officers and employes of the General Assembly hereinbefore provided for shall be as follows, to wit, * * * the librarian of the Senate shall receive four thousand five hundred dollars per annum; * * * the assistant librarian of the Senate shall receive three thousand six hundred dollars per annum; * * * the stenographers to the Senate librarian and the chief stenographer to the chief clerk shall each receive eight dollars per diem, and one hundred and fifty dollars per month during the interim between legislative sessions, * * * the messenger in the Senate library and the messenger in the library of the House of Representatives shall each receive twelve hundred dollars per annum * * * [1919, July 1, P L. 717, s 3, 1937, March 2, P.L. 31, s 2.]

Sec 87 Indexes for Journal The Librarian of the Senate shall appoint a competent person or persons to index the Legislative Journal, and for the payment of the same the sum of fifteen hundred dollafs shall be allowed [1919, July 12, P L. 941, s 6]

Sec 123 Librarian of Senate to have charge of supplies; reports to auditor general; bond; duties of auditor general and department of property and supplies. All stationery and other supplies required for the use of the departments, and the senate and house of representatives, shall be in charge of the librarian of the senate, whose duty it shall be to receive the same from the contractors, upon requisition made by him, and he shall from time to time deliver such stationery and other supplies, upon the written orders of the heads of the several departments and the chief clerks of the two houses, taking their receipt for the same, it shall be his further duty to see that the contracts are faithfully complied with, and he shall make report thereof to the auditor general before the final settlement of the accounts of the contractors, and he shall give a bond to the commonwealth, in the sum of five thousand dollars, with two sufficient sureties to be approved by the auditor general or governor, conditioned for the faithful performance of his duties, and the safe-keeping and delivery of all stationery and other supplies received from the contractors, and it shall be the duty of the auditor general to withhold from every such contractor the warrant for one-fourth part of his contract, until he receives the report of the librarian of the senate as aforesaid, the board of commissioners of the public buildings and grounds shall provide a room for the storing of the stationery and supplies, to be in charge of the librarian of the senate [1879, June 12, P L. 170, s.6.]

Sec 124 Receipt and distribution of stationery by chief clerks; accounts; reports; return of unused stationery. The chief clerks of the senate and house of representatives shall receive from the said librarian * * * the amount of stationery required for use in their respective offices during each session of the legislature. * * * [1879, June 12, P.L. 170, s 7]

E. DISTRIBUTION OF PUBLIC DOCUMENTS

(Purdon's Pennsylvania Stats., Title 46, 1941, p 397, 399, 421, s 85, 89, 222; Title 51, 1931, p 311, s 602, Title 71, 1930, p 316, 477, s 1031, 1652, Title 72, 1931, p 144, s 4383)

Title 46, Sec 85 **Number and distribution of copies; binding; distribution of bound copies; preparation of unbound numbers for filing and mailing.** Six thousand five hundred and fifty copies of each number (except the appendix and index) of the Legislative Journal shall be printed and delivered by the printer thereof as follows * * * the State Librarian, one hundred copies, * * * [1919, July 12, P L 941, s 4]

Sec 89 **Mailing lists; receipt and transmission of names and addresses; printing on wrappers or envelopes.** The librarian of the Senate and the resident clerk of the House of Representatives shall receive from the Senators and principal officers of the Senate and the Members and principal officers of the House of Representatives, respectively, the names and post-office addresses of the persons to whom the copies of the Legislative Journal are to be regularly transmitted, and the librarian of the Senate and the resident clerk of the House of Representatives shall transmit said names with the post-office addresses, the name of the Senator, Member, or officer sending the same, to the Superintendent of Public Printing and Binding, who shall cause the same to be printed on wrappers or envelopes, on such paper as may be designated by the Superintendent of Public Printing and Binding, under the contract existing or that may hereafter exist between the Commonwealth of Pennsylvania and the contractor or contractors for the State printing and binding upon the same terms and rates as other State printing [1919, July 12, P L 941, s 7]

Sec 222 **Compilation and publication of statutes-at-large.** The Department of Public Instruction, through the State Library and Museum, is hereby authorized and empowered to collect, classify and edit material to be included in a volume, numbered one, of the Statutes-at-Large of the Commonwealth, which shall consist of a reprint of the charters and laws of Pennsylvania enacted prior to seventeen hundred, together with the action of the Crown upon these laws, the unpublished commissions, and secret instructions to the several deputy governors, which explain many of the difficulties they labored under in assenting to the enactments of the assembly, and the various essential documents on which the colonial legislation was fundamentally based, said volume to be substantially in accordance with the plan announced by the commissioners who compiled the existing volumes of Statutes-at-Large

The Department of Public Instruction, through the State Library and Museum, is also authorized to compile volumes nineteen and twenty of the Statutes-at-Large, commencing at the point where volume eighteen ended.

The Department of Public Instruction shall cause five thousand copies

of each of said volumes of Statutes-at-Large to be published by the Department of Property and Supplies at the expense of the Commonwealth. [1929, May 15, P.L. 1763, No. 571, s.1.]

Title 51, Sec. 602. Number of copies; distribution. Not more than one thousand copies of each of such annual reports [of proceedings of veterans conventions] shall be printed and bound, and the balance remaining after the distribution provided for in section one of this act may be requisitioned as follows: The State Librarian, three hundred copies; the Legislative Reference Bureau and the Senate Library, ten copies, and the executive head of the organization of whose proceedings it is a report, the remaining copies [1923, May 3, P.L. 134, s 2.]

Title 71, Sec 1031. Transfer to Librarian of certain public documents. All public documents, including statutes-at-large and archives of Pennsylvania, placed in the possession, or which may hereafter come into the possession, of the secretary of the commonwealth for sale and distribution, except the pamphlet laws and Smull's legislative handbook, be and they are hereby transferred to the state librarian, who is hereby authorized to make such sale and distribution of them as is or may be required by law. [1905, April 20, P L 236, s.1]

Sec 1652. Libraries and associations to receive public documents. Every library, literary and scientific association, and historical society incorporated under the laws of this commonwealth, and owning a library of two thousand or more volumes, shall be entitled to receive one well bound volume of each of the executive and legislative documents hereafter published, and such other publications as are authorized by law to be printed by the state printer [1883, June 1, P L 52, s 1]

Title 72, Sec 4383 List of institutions claiming state aid; printing; distribution. The auditor general is hereby directed to have prepared a statement showing the exact amount which each charitable, benevolent and reformatory institution, not under the control of the state, but which was an applicant for state aid at the present session, has received from the commonwealth since the organization of such institution, and the purpose for which such appropriation was granted, to which shall be appended a brief history of each institution, the whole to be printed in book form, bound, in cloth, and thirty copies thereof to be forwarded to each senator and member of the legislature * * * The state librarian shall be supplied with two hundred copies * * * [1897, July 26, P L. 421, s 1]

F. COUNTY AND MUNICIPAL LIBRARIES

(1) GENERAL PROVISIONS

(Purdon's Pennsylvania Stats Title 53, 1931, p 309-318, s 1701, 1703, 1707-1714, 1716, 1718-1726, 1728, 1729; *Ibid* 1940 Suppl p.39-42, s.1702, 1704-1706, 1716, 1717, 1727, 1730, 1731)

Title 53 Sec. 1701. "Municipality" defined. The term "municipality."

wherever used in this act, shall be interpreted as meaning any county, city, borough, town, or township, as the case may be, but shall not be interpreted as meaning school district [1917, P.L. 1143, s.1.]

Sec. 1702. Municipal authorities defined. The term "municipal authorities," wherever used in this act, shall be interpreted as meaning the mayor and council of any city, the burgess and council of any borough or town, the commissioners or supervisors of any township, or the commissioners of any county, as the case may be. [As amended 1931, P.L. 127, s.1.]

Sec. 1703 Municipality empowered to make appropriations for library; taxation. Any municipality may make appropriations to establish or maintain, or both, a free, public, nonsectarian library, for the use of the residents of such municipality. The appropriations for maintenance shall not exceed two mills on the dollar on all taxable property, annually. Special taxes for these purposes may be levied on the taxable property of the municipality, or the same may be levied and collected with the general taxes [1917, P.L. 1143, s 3.]

Sec. 1704 Submission of question to electors. The municipal authorities of any municipality may submit to the qualified electors of such municipality at any general or municipal election, the question of establishing, maintaining and/or aiding in maintaining a free, public, nonsectarian library, and must submit such question, if petitioned for by three per centum of the voters at the last preceding general election. At such election the question of establishing an annual tax at a certain rate, not exceeding two mills on the dollar, on all taxable property of the municipality, shall be submitted.

In cases where such questions are submitted to the voters of a county, they shall not be submitted to the voters residing in cities, boroughs, towns and townships in which there is then being maintained a free, public, nonsectarian library, whether by the city, borough, town, township or school district, or otherwise, unless the municipal authorities, the board of school directors, or the board of trustees or managers of any endowed library or association library in such municipality shall have, previous to such submission, signified their intent, by ordinance or resolution, to become a part of the county library district, and to merge any existing library in such municipal district, if the same can legally be done, with the county library. Any city, borough, town, township, school district or any board of trustees or managers of any endowed library or association library, maintaining such a free, public, nonsectarian library, shall have power to contract with the county commissioners, before the submission of such questions, upon the terms and conditions under which it will become a part of such county library district. Title to the books and other property of said municipally supported library, school district library or other library shall remain in the said municipality, school district, board of managers or trustees, but the books and other property shall be used by the county library in accordance

with the terms of a written agreement between the county commissioners and the said municipal authorities, board of school directors, or board of trustees or managers of any endowed library or association library: Provided, however, that title to such books and other property may be transferred to the county library district if the same may be legally done

But where a county library district is established and a municipality has not joined in said establishment, it may, nevertheless, thereafter join said county library district if the municipal authorities, school district, or any board of trustees or managers of any endowed library or association library in such municipality enter into an agreement with the county board of library directors to merge its facilities with the county library in the manner herein provided [As amended 1931, P L. 127, s 2]

Sec 1705 Tax levy; board of library directors; restrictions as to county tax. If the majority of votes cast upon this question shall be in favor of establishing such tax rate, the municipal authorities, at the first meeting following the official announcement of the result of such election, shall take the necessary steps to levy and collect the tax so levied, and shall appoint a board of library directors as provided in section nine of this act [sec 1709 of this title] Said board shall have exclusive control of the library so established or maintained, or both, and shall be governed as provided in other sections of this act In the case of a county tax, no tax shall be levied on any property in cities, boroughs towns or townships where free, public, nonsectarian libraries are being maintained, and which have not elected, up to the time of such tax levy, to join the county library district [As amended 1931, P L. 127, s 3]

Sec 1706 Annual tax rate, levy and collection. The rate of tax so voted shall be an annual tax rate until another vote is taken changing the same The tax shall be levied and collected in like manner as other taxes in the municipality, and shall be in addition to all other taxes, except where included within the general levy, and shall be used for no other purpose than that of establishing or maintaining, or both, a free, public, nonsectarian library The money so raised shall be under the exclusive control of the board of library directors provided in section nine (sec 1709) of this act [As amended 1931, P L. 127, s 4]

Sec 1707 Fund raised by popular subscription may be accepted. If the residents of any municipality shall raise by popular subscription a sum equal to or exceeding the gross amount of a two-mill tax on all taxable property in the municipality, and shall offer the sum so subscribed to the municipality for the purpose of establishing a free, public, nonsectarian library, said sum shall be accepted by the municipal authorities, and shall be used for the sole purpose of establishing such library, provided, not more than two per centum of the said sum shall be subscribed by one individual or firm Said subscription may be made payable in four quarterly payments,

and shall be in such form as to be collectable by legal process if necessary. [1917, P L. 1143, s.7.]

Sec 1708 Control of popular subscription fund; maintenance tax. In case of the establishment of a free, public, nonsectarian library under the provisions of section seven of this act, (sec 1707) the municipal authorities shall immediately place the sum so subscribed under the control of a board of library directors, appointed as provided in section nine of this act, (sec 1709) and proceed to levy and collect a tax at the annual rate of not less than one-half mill nor more than two mills on the dollar on all taxable property in the municipality, for the purpose of maintaining the library so established [1917, P L. 1143, s.8]

Sec 1709 Board of library directors; terms of members; vacancies. The affairs of all public libraries established or maintained, or both, under the provisions of the preceding sections of this act, shall be under the exclusive control of a board of library directors, to be composed of not less than five nor more than seven members, as may be decided by the municipal authorities, who shall appoint the members and fill any vacancies occurring from any cause. The first appointed shall be appointed as nearly as may be, one-third for one year, one-third for two years, and one-third for three years. All appointments to fill the places of those whose terms expire shall be for a term of three years. Vacancies shall be filled for the unexpired terms. No member of this board shall receive any salary for his services as such [1917, P L. 1143, s.9]

Sec 1710. Organization of board; bond of treasurer. The board of library directors shall organize as soon as may be after appointment, by the election of a president, a secretary, and a treasurer from its membership, and such other officers and agents as the board may deem necessary. The treasurer shall give bond to the municipality, with satisfactory surety, in such amount as the board may determine [1917, P L. 1143, s.10]

Sec 1711 Agreement between two or more municipalities to establish or maintain library. Two or more municipalities may unite in establishing or maintaining, or both, a free library, under the terms of an agreement entered into between them. Said agreement shall be in writing, and shall set forth the purpose, the terms as to support and control, and the conditions under which the agreement shall be altered or terminated. Said agreement shall not be valid until it has been accepted by a majority vote of the municipal authorities of each of the municipalities agreeing thereto, and signed by the proper officer of each of the said municipalities. [1917, P.L. 1143, s.11.]

Sec. 1712. Support of libraries not established under this act; submission to electors; library board; levy and collection of tax; elections and taxes validated.

- (a) Any municipality may make appropriations, not to exceed two mills on the dollar annually, on all taxable property in the mu-

nicipality, to maintain or aid in the maintenance of a free library established by deed, gift, testamentary provision, or in any manner otherwise than under the provisions of sections three, four, and seven of this act [sec. 1703, 1704 and 1707]; Provided, that the municipal authorities shall be represented by at least two members of the board having control of the affairs of said library.

- (b) The municipal authorities may submit to the qualified electors of such municipality, at any election, general or special, the question of maintaining or aiding in the maintenance of a library established as specified in clause (a) of this section, and must submit such question, if petitioned for by three per centum of the number of voters at the last preceding general election. At such election the question of establishing an annual tax at a certain rate, not exceeding two mills on the dollar, on all taxable property of the municipality, shall also be submitted and voted upon.
- (c) If the majority of votes cast upon this question shall be in favor of establishing such tax rate, the municipal authorities, at the first meeting following the official announcement of the result of such election, shall take the necessary steps to levy and collect such tax, and shall, if the municipality be not already so represented upon the board of control of such library, appoint at least two persons to represent the municipality upon such board, the number to be determined by agreement with the other members of the board, each person so appointed to serve for such term as may then be determined.
- (d) The rate of tax so voted shall be an annual tax rate, until another vote is taken changing the same: Provided, that the municipal authorities may increase said rate, not to exceed two mills on the dollar in the aggregate, on all taxable property of the municipality, without submitting the question to a vote. The tax shall be levied and collected in like manner as other taxes in the municipality and shall be in addition to all other taxes, and shall be used for no other purpose than that of maintaining or aiding in the maintenance of a library established as specified in section twelve of this act.
- (e) Any election heretofore held, and any tax heretofore levied, by any municipality to maintain or aid in the maintenance of a library, established as specified in clause (a) of this section, are hereby ratified, confirmed, and made valid. [1917, P.L. 1143, s.12: 1927, P.L. 724, s.2.]

Sec. 1713 Contract with existing library. Any municipality may contract with the managers or owners of any existing nonsectarian library for the free use of such library by the residents of such municipality, whether said library is located in the same or in another municipality. The

term of such contract shall be three years, but it may be renewable as therein provided [1917, P.L. 1143, s.13.]

Sec. 1714. Appropriation for contract with existing library. The municipality may appropriate annually, from the taxes levied and collected for municipal purposes, an amount not to exceed two mills on the dollar on all taxable property in the municipality, for the purpose specified in section thirteen (sec. 1713) of this act [1917, P L. 1143, s.14.]

Sec. 1716. Library board to control funds; report; audit. All moneys appropriated for the establishment or maintenance, or both, of a free public nonsectarian library, and all moneys, if any, received from other sources for its use, shall be under the exclusive control and shall be disbursed under the direction of the board of library directors, who shall make an annual report to the proper municipal authorities. The accounts of the treasurer of the board of library directors shall be audited as in the case of other municipal expenditures. The board of control of any library, established as specified in section twelve (sec. 1712) of this act, shall make report annually to the proper municipal authorities, of the moneys received by such library from the municipality and the disposition made thereof, and the accounts of the treasurer of said boards shall be audited as above provided [1917, P L 1143, s 16, 1927, P L 724, s 3]

Sec 1717 Contents of report. The annual report required by the last preceding section shall cover the fiscal year of the municipality. Said report shall contain an itemized statement of all receipts from whatever source and expenditures, and shall show the condition of the library and any branches thereof, the number of volumes, maps, pamphlets, and other materials; the number added by purchase, gift, or otherwise; the number lost or withdrawn; the number of registered borrowers and readers; a classified statement of the circulation of material, with such other information and suggestions as may be desirable. A copy of each report made to the municipal authorities shall be sent to the State Library at Harrisburg [As amended 1931, P.L. 127, s 5]

Sec 1718. Branches, deposit stations, traveling libraries, etc. The board of library directors may establish branches, deposit stations, traveling libraries, and such other agencies as it may deem necessary to bring the books within convenient reach of all the residents [1917, P L 1143, s 18]

Sec 1719. Free use of library; rules and regulations. Every library established or maintained, or both, under the provisions of this act, shall be free to the use of all the residents of the municipality, subject to such reasonable rules and regulations as the board of library directors may adopt, and the board may exclude from the use of the library any person who may wilfully violate such rules. The board may extend the privileges of such library to persons residing outside the limits of such municipality, upon such terms and conditions as the board may prescribe [1917, P.L. 1143, s.19.]

Sec. 1720 Power to hold property; donations and gifts. It shall be lawful for any municipality or any corporation, owning or managing a free, public, nonsectarian library, to take and hold any property, real or personal, or both, for library purposes; and any person desiring to make donations of books, money, personal property, or real estate for the benefit of a free, public, nonsectarian library, whether established or maintained under the provisions of this act or not, may vest the title thereto in the municipality or the corporation having control of the affairs of said library, to be held and controlled by said municipality or corporation according to the terms of the deed, gift, devise, or bequest; and, as to such property, the said municipality or corporation shall be held to be special trustees; but in the absence of restrictions by the terms of such donation, deed, gift, devise, or bequest, the said property shall be controlled and administered by the board of library directors or by the corporation, as the case may be. [1917, P L. 1143, s.20.]

Sec 1721 New library not to be established where there is free library; division of appropriations. Whenever there is in any municipality a free, public, nonsectarian library which is open to the use of all the residents thereof, no new library shall be there established under the provisions of this act, but all public aid hereby authorized shall be given to such existing library, under proper agreement, to enable it to meet as far as possible the needs of such residents, Provided, however, that wherever there may be, at the time of the passage of this act, two or more such libraries receiving aid from the same municipality, the appropriation authorized by this act shall be divided between said libraries according to the terms of an agreement previously entered into between said libraries [1917, P.L. 1143, s.21.]

Sec. 1722. Purchase or lease of lands and buildings; surplus of accumulated tax levy. Any municipality is hereby authorized to purchase or set apart lands and buildings, or parts of buildings already owned by it, or both, or to erect or lease buildings to be used for free library work, or to alter buildings already erected so as to make them suitable for such use, and it is hereby authorized to provide for the cost of the same as in the case of other buildings to be used for municipal purposes, and whenever, in any such municipality, a tax levy has been or may hereafter be authorized for the purpose of maintaining a free public library therein as provided by this act, and, out of the moneys realized from such levy, a surplus or excess has been or may hereafter be accumulated above the necessary cost of maintaining such library, it shall and may be lawful for the directors of such library to pay over such excess or surplus to the municipal authorities of such municipality, to be used by them for any of the purposes provided in this section. [1917, P L. 1143, s.22: 1923, P.L. 445, s.1.]

Sec. 1723 Appropriation of private property. Any municipality may, by ordinance or resolution, purchase, enter upon, and appropriate private

property within its limits, for the purpose of erecting or enlarging public library buildings. [1917, P.L. 1143, s.23.]

Sec. 1724. In absence of agreement, viewers to assess compensation. Whenever any municipality shall appropriate private property for public library purposes, and the municipality cannot agree with the owners thereof for the price to be paid therefor, or when by reason of the absence or legal incapacity of the owner thereof no such compensation can be agreed upon, the court of common pleas, or any judge thereof in vacation, on application thereto by petition, by the municipal authorities or any person interested, shall appoint a board of viewers for the assessment of damages caused by such appropriation, as in such cases provided [1917, P.L. 1143, s.24.]

Sec. 1725 Proceedings to assess compensation. The proceedings before the viewers for the allowance of damages for property taken, injured, or destroyed, and the proceedings upon their report, shall be as provided in other cases where such municipality appropriates private property for municipal purposes [1917, P L. 1143, s 25.]

Sec. 1726 Petition for submission of bond issue for library. If five per centum of the registered voters of any municipality shall petition the municipal authorities to submit the question of creating a bonded indebtedness for purchasing grounds and erecting buildings for library purposes, the said authorities must submit such question at the next ensuing election [1917, P L 1143, s.26.]

Sec 1727. Libraries exempt from tax; gifts exempt from collateral inheritance tax. Any building which shall be owned and occupied by a free, public, nonsectarian library, and the land on which it stands and that which is immediately and necessarily appurtenant thereto, shall be exempt from all county, city, borough, town, school, county, poor, or road taxes, notwithstanding the fact that some portion or portions of said building or land appurtenant may be yielding rentals to the corporation or association managing such library Provided, That the net receipts of said corporation or association from rentals shall be used solely for the purpose of maintaining the said library All gifts, devise, grants, or endowments made to such a library, or to a national library, and for such purposes, shall be free from collateral inheritance tax; and any gifts, endowments, or funds of such libraries which are invested in interest bearing securities, the income from which is used solely for the purpose of books or the maintenance of such libraries, shall be exempt from any State tax on money at interest. [1937, P L. 1701, s 1.]

Sec. 1728. Existing agreements not affected; validation. This act shall not in any way affect any agreement or agreements heretofore made by any municipality under any prior act relating to free public libraries, but all such agreements are hereby ratified and are to continue as binding contracts between the parties. [1917, P.L. 1143, s.28.]

Sec. 1729. Injury to books, papers, etc.; penalty; repeals; purpose of act. Any one who shall wilfully cut, mutilate, mark, or otherwise injure any book, volume, map, chart, magazine, newspaper, painting, engraving, or other property of, or deposited in, any free library, shall be deemed to be guilty of a misdemeanor, and may be prosecuted for said offense before any court of competent jurisdiction, and, upon conviction thereof, shall be liable to a fine of not more than twenty-five dollars and costs of prosecution, or to imprisonment in the county jail not exceeding fifteen days, or both, at the discretion of the court, the said fine when collected to be for the use of the said library against which the aforesaid offense was committed

* * * * *

And all other acts and parts of acts, general, special, or local, appertaining to the subject-matter covered by this act, be, and the same are hereby, repealed, it being intended that this act shall furnish a complete and exclusive system in itself so far as relates to free, public, nonsectarian libraries, supported wholly or in part by the several municipalities, as defined in section one of this act of the commonwealth [1917, July 20, P L 1143, s.29]

Sec 1730. State aid for free public non-sectarian county libraries; determination of annual aid; limit of amount. A system of State-aid for the maintenance of free public non-sectarian county libraries, in counties of third, fourth, fifth, sixth, seventh and eighth classes, is hereby established. The annual aid by the commonwealth to any such county library shall be measured by the amount appropriated annually by the county commissioners from county moneys for the maintenance of any such county library, and shall be determined as follows

Classes of Counties	Percentage of Aid Calculated on County Appropriation
3	20%
4	25
5	33
6	50
7	75
8	125

The amount to be paid by the Commonwealth for the maintenance of any county library shall not in any year exceed two thousand five hundred dollars (\$2,500), and such payment shall be made to the board of trustees in charge of any such free public non-sectarian county library. A report of the expenditures of such State moneys shall be made annually to the county commissioners and the Department of Public Instruction, in such form as the department may require [1931, P L 1203, s 1]

Sec 1731 Books for demonstration purposes; rules and regulations. For the purpose of encouraging the establishment of county libraries, the

Commonwealth may, through the Department of Public Instruction, provide books to be used for demonstrations and circulation purposes in counties where it is proposed to establish a full public nonsectarian county library in the manner provided by law. Any such books shall remain the property of the Commonwealth and shall not be used in any county for a longer continuous period than two years, after which they shall be returned to the possession of the Department of Public Instruction and be made available for like purposes in some other county.

The Department of Public Instruction shall have power to adopt and promulgate such rules and regulations as may be deemed necessary to regulate the use, demonstration, distribution, and return of books made available under the provisions of this section [1931, P L. 1203, s.2.]

(2) COUNTY LIBRARIES

(Purdon's Pennsylvania Laws, Title 16, 1930, p 207-208, s 605-608)

Title 16. Sec 605 **Acquiring of property.** Counties shall have power to take, purchase or acquire, through condemnation proceedings, property for the purpose of erecting thereon public auditoriums, public libraries, public memorial buildings and monuments. All proceedings for the condemnation of any property, under the provisions of this section, shall be in the manner and subject to the restrictions and procedure provided in article seven of this act [1929, P L 1278, Art VIII, s 605]

Sec 606. **Appropriation of money.** Counties, by order of the commissioners thereof, shall have power to appropriate money from the public funds, or by issuance of bonds, according to existing law governing the issuance of such bonds, for the erection on said property taken, purchased or acquired through condemnation proceedings, public auditoriums, public libraries, public memorial buildings and monuments. Counties shall also have power to appropriate moneys for the operation and maintenance of such public auditoriums, public libraries, memorial buildings and monuments [1929, P L. 1278, Art VIII, s.606]

Sec 607 **Rental of auditoriums.** Counties, in case of public auditoriums, may, by order of the commissioners thereof, charge a rental for the use of said auditoriums. All moneys derived from rental of said auditoriums shall first be devoted to the maintenance of said auditorium, and any annual balance accruing therefrom shall be turned over to the county funds for the general uses and purposes of said county [1929, P L. 1278, Art VIII, s.607]

Sec 608 **Consent of city or borough.** No county shall acquire any property for, or erect any such public auditorium, library, memorial building or monument within the limits of any city or borough, without the consent of the corporate authorities of such city or borough. [1929, P.L. 1278, Art VIII, s 608]

(3) CITIES (GENERAL)

(Purdon's Pennsylvania Stats. Title 53, 1931, p.271-272, s.1421-1424.)

NOTE—Sections 1421-1424 are repealed in so far as they relate to class cities by act of 1931, June 23, P. L. 932, art. XLVII, s 4701.

Title 53 Sec. 1421. Power to acquire site. Cities shall have power to take, purchase, or acquire through condemnation proceedings, property for the purpose of erecting thereon public auditoriums, public libraries, public memorial buildings, and monuments. [1919, July 8, P. L. 783, s.1.]

Sec 1422 Payment for property from public funds or by bond issue. Cities, by order of council or commissioners, shall have power to appropriate money, from the public funds or by issuance of bonds according to existing law governing the issuance of such bonds, for the erection, on said property taken, purchased, or acquired through condemnation proceedings, public auditoriums, public libraries, public memorial buildings, and monuments. Cities shall also have power to appropriate moneys for the operation and maintenance of such public auditoriums, public libraries, memorial buildings, and monuments. [1919, July 8, P L. 783, s.2]

Sec. 1423. Proceedings for assessment of damages. All proceedings for the assessment of damages for property taken under the provisions of this act shall be had in the same manner as is now provided by law for the taking of property for public improvements in such cities [1919, July 8, P.L. 783, s 3]

Sec. 1424. Property may be donated to library association; contributions for maintenance. Cities shall have power to donate ground thus acquired for a public library to any library association provided said association will furnish the funds for the erection of the library building, the plans of which are approved by the city, but only in such cases where the said library association is by its by-laws and charter compelled to put back into the property any surplus earnings from the operation of said library. Cities, by order of council or commissioners, may contribute from time to time towards the operating support of such library a sum not to exceed fifty per centum (50%) of the annual operating maintenance of said library [1919, July 8, P L 783, s.4]

(4) CITIES OF THE THIRD CLASS

(Purdon's Pennsylvania Stats Title 53, 1931, p 809-810, s 12198-3602 to 12198-3605)

Title 53. Sec. 12198-3602 Public auditoriums, libraries, memorials and monuments. Cities may take, purchase, or acquire, through condemnation proceedings, property for the purpose of erecting thereon public auditoriums, public libraries, public memorial buildings, and monuments. [1931, June 23, P.L 932, art. XXXVI, s 3602]

Sec. 12198-3603 Payment of cost of erection and maintenance. Cities may appropriate money or issue bonds for the erection, on said property

purchased or acquired through condemnation proceedings, public auditoriums, public libraries, public memorial buildings, and monuments. Cities may also appropriate moneys for the operation and maintenance of such public auditoriums, public libraries, memorial buildings, and monuments. [1931, June 23, P.L. 932, art. XXXVI, s.3603.]

Sec. 12198-3604. Proceedings for assessment of damages. All proceedings for the assessment of damages for property taken for auditoriums, libraries, memorials and monuments shall be had in the manner provided by this act for property taken, injured or destroyed. [1931, June 23, P.L. 932, art. XXXVI, s.3604]

Sec. 12198-3605 Donation of land by city for library purposes; contributions toward maintenance. Cities may donate ground thus acquired for a public library to any library association provided said association will furnish the funds for the erection of the library building, the plans of which are approved by the city, but only in such cases where the said library association is by its by-laws and charter compelled to put back into the property any surplus earnings from the operation of said library. Cities, by order of council, may contribute, from time to time, towards the operating support of such library a sum not to exceed fifty per centum (50%) of the annual operating maintenance of said library [1931, June 23, P.L. 932, art XXXVI, s 3605]

(5) CITIES AND COUNTIES JOINTLY

(Purdon's Pennsylvania Stats Title 53, 1931, p 273-274, s 1441-1445)

Title 53 Sec 1441 **Powers.** Whenever cities and counties of this Commonwealth are authorized to take, purchase, or acquire through condemnation proceedings property for the purpose of erecting thereon public auditoriums, libraries, memorial buildings, and monuments, and to appropriate money for the erection thereon of such buildings, and to provide for their operation and maintenance, such cities and counties shall have the power to jointly take, purchase, or acquire through condemnation proceedings such property as may be necessary for the purpose of erecting thereon such buildings, and jointly to erect the same, and shall have the power to appropriate money from the public funds or by issuance of bonds according to existing laws governing the issuance of such bonds, for the erection thereon of such buildings, and provide for their operation and maintenance jointly. [1925, P L , 342, s 1]

Sec. 1442 Agreement as to site; tenancy in common; construction and maintenance. The county commissioners of such counties and the corporate authorities of such cities shall have the power and they are hereby authorized to agree upon a site within the limits of such cities and counties, and to acquire, own, and hold the same as tenants in common, and to erect thereon jointly auditoriums, libraries, memorial buildings, or monuments. The county commissioners of such counties and the corporate authorities

of such cities shall have full authority to erect upon the land thus obtained and held, the building or buildings agreed upon as hereinafter provided. [1925, P. L. 342, s.2.]

Sec 1443 **Joint contract for construction; rentals.** The county commissioners of such counties and the corporate authorities of such cities are authorized and empowered to enter into a joint contract or contracts, agreement or agreements, for the construction of such building or buildings and for the payment by each of them of the proportionate share of the cost of the construction, maintenance, and operation of such building or buildings, and for the use thereof, and in the case of public auditoriums for the rental to be charged thereof, and for the disposition for city and county purposes of any annual balance accruing from any rental derived from the use of such public auditorium [1925, P. L. 342, s.3.]

Sec 1444 **Erection on site acquired under existing law.** Whenever under existing acts of assembly of this Commonwealth any city or county has acquired, appropriated, or chosen, or shall acquire, appropriate, or choose a site for the erection of any public auditorium, library, memorial building, or monument, such city or county may agree with any other city or county with which under the provisions of this act it has the power jointly to erect such building, for the erection thereon of any such public auditorium, library, memorial building, or monument in accordance with the provisions of this act [1925, P. L. 342, s.4.]

Sec 1445 **Condemnation; proportions in which land held.** Whenever under the provisions of this act any city and county shall enter into an agreement for the acquisition through condemnation proceedings of property for the purpose of erecting thereon any public auditorium, library, memorial building, or monument, such property shall be acquired by such city and county in the proportion as may be designated by the said agreement between the said city and county under existing acts of assembly empowering any city or county separately to acquire land for the purpose of erecting thereon public auditoriums, libraries, memorials, and monuments [1925, P. L. 342, s.5]

G SCHOOL LIBRARIES

(Purdon's Pennsylvania Stats Title 24, 1930, p 388, 454-459, s 1775, 2161-2176, 2178-2179, *Ibid* 1940 Suppl p 175, s 2177)

Sec 2161. **Management and supervision.** In each school district of the second, third, or fourth class in this Commonwealth, in which there now is or hereafter may be a public school library established, such library may be under the management and supervision of the board of school directors of such district, or of a board of seven library trustees, as herein provided, as the board of school directors may determine. [1911, May 18, P. L. 309, art XXV, s 2501.]

Sec 2162 **Trustees; number; election.** In each school district of the

second, third, or fourth class, where the public school library is put under the management and supervision of a board of seven library trustees, the board of library trustees shall be constituted as follows: Five library trustees, not members of the board of school directors, shall be elected, by a majority vote of the board of school directors, from the school district at large. The five trustees so elected, together with the president of the board of school directors, and the district superintendent, if any, or, if there be no district superintendent, then the vice-president of the board of school directors, shall constitute the board of seven library trustees. [1911, May 18, P. L. 309, art XXV, s 2502]

Sec. 2163 Transfer of libraries by school directors to library trustees. The board of school directors in any school district in this Commonwealth, where the public school library is under the management and supervision of the board of school directors therein, may, at any time hereafter, place such public school library under the management and supervision of a board of seven library trustees, as herein provided, by a resolution of the board of school directors in such district, adopted by a majority vote of the board [1911, May 18, P. L. 309, art XXV, s 2503]

Sec 2164 Terms of office of trustees. The first appointment of five library trustees shall be made for one, two, three, four, and five years, respectively, from the first day of July following, and annually thereafter the board shall appoint one member for the term of five years; such appointments to be made during the month of June, and the terms of office to begin on the first day of July following [1911, May 18, P. L. 309, art XXV, s 2504]

Sec. 2165 Organization of trustees. The board of library trustees herein provided shall organize annually, on the first Monday in July each year, by the election of a president, and the secretary of the board of school directors shall be ex officio secretary of the board of library trustees [1911, May 18, P. L. 309, art XXV, s 2505]

Sec 2166 General powers and duties of library trustees; rules and regulations. The board of library trustees herein provided for in any school district may, subject to the approval of the board of school directors therein, make and enforce such reasonable rules and regulations for its own meetings and for the management and supervision of the public school library as it may deem proper, and shall have general charge, supervision, and management of the public school library in said district, purchase the books, maps, or other matter, appoint the librarian and other employees, and do all other things necessary for its government, preservation, and maintenance [1911, May 18, P. L. 309, art XXV, s.2506]

Sec. 2167 Appropriations. The board of school directors in any school district in this commonwealth may annually appropriate for the support and maintenance of any public school library in its district, out of its annual school taxes, such sums as it may deem proper, not exceeding one mill

on the dollar of the total valuation of taxable property in the district: **Provided, That** when a library is first established, the board of school directors may provide for the building and establishment of such public library, or may provide for the enlargement of any library, in like manner as any public school building may be built or enlarged. [1911, May 18, P. L. 309, art.XXV, s 2507.]

Sec. 2168. Authority for payments on account of libraries. All money paid out on account of any public school library shall be paid by regular school order, in like manner as other school funds are paid: **Provided, That** all accounts or sums paid out on account of any public school library shall be first approved by the board of library trustees, if there be such a board. [1911, May 18, P. L. 309, art XXV, s 2508.]

Sec 2169. Compensation of trustees; vacancies in office of. The library trustees shall serve without any compensation, and any vacancy in the board of library trustees shall be filled, by the board of school directors, for the remainder of the unexpired term [1911, May 18, P L 309, art.XXV, s 2509]

Sec. 2170. Circulating libraries or branch libraries. The board of school directors or the library trustees, with the consent of the board of school directors, may circulate part or all of the books and other collections of a public school library among the several schools, or may establish branch libraries [1911, May 18, P L 309, art XXV, s 2511]

Sec. 2171. Books or book fund obtained from sources other than public funds; approval of books. Whenever by subscription, or otherwise, a collection of books, or funds to purchase the same, has been obtained for a public school library for any school district, or for any school therein, it shall be the duty of the board of school directors thereof to provide a suitable place, and case or cases, for said library But no books or other matter shall be put into any public school library, by gift or otherwise, without the approval of the library trustees, or, in lieu thereof, of the board of school directors [1911, May 18, P. L 309, art XXV, s 2512]

Sec 2172. Keeping open for use of residents of district; permitting use by nonresidents. For the use and convenience of the residents of the district, the board of school directors or the library trustees shall provide for keeping public school libraries open at such hours and times throughout the year as they may deem proper The board of school directors of any school district maintaining a public school library may permit the use thereof by the residents of other school districts, under such conditions as it may prescribe [1911, May 18, P L 309, art.XXV, s.2513]

Sec. 2173. Audit of receipts, expenditures and appropriations. All receipts and expenditures for any libraries established, maintained, or assisted as herein provided, and all appropriations made by any school districts for the establishment, maintenance, or assistance of any library, shall be

regularly audited by the auditors of the proper school districts, and reports of the same be included in the reports of such auditors. [1911, May 18, P. L. 309, art. XXV, s. 2514.]

Sec. 2174. Reports. The librarians or trustees of all public school libraries, established or maintained under this act, shall make to the State Librarian and to the Superintendent of Public Instruction reports thereof, at such times and in such manner as they may request. [1911, May 18, P. L. 309, art. XXV, s. 2515.]

Sec. 2176 Joining by school districts in establishment of joint library; trustees. Two or more school districts may unite in the establishment or maintenance of a joint public school library, or may aid in the support of a library as herein provided, subject, so far as they are applicable, to the provisions herein prescribed for the establishment and maintenance of joint schools. Trustees of such library may be appointed either by the school directors of the districts or by the joint school committee. [1911, May 19, P. L. 309, art. XXV, s. 2517.]

Sec. 2177 Joining by school directors with private persons or associations in establishing free public nonsectarian libraries; agreement for. Any board of school directors may, by a two-thirds vote, join with or aid any individual or association in the maintenance, or the establishment and maintenance, of a free, public non-sectarian library, under such written agreement as it may determine, whether or not a separate public school library is already maintained in the district. Such agreement shall be entered in full in its minutes, and shall specify the manner, terms, and conditions agreed upon, for the aiding, establishment, maintenance, or management of such joint library. [As amended 1935, June 10, P. L. 295, No. 130, s. 1.]

Sec. 2178 Power of school directors to levy special tax to assist public nonsectarian library. The board of school directors in each school district of the second class shall also have power to levy a special library tax, annually, not exceeding one mill on the assessed value of taxable property in the district, and to pay such library tax to the board of library directors, for the purpose of assisting in the support, maintenance, and operation according to the terms of any agreement authorized by law, of any free, public, nonsectarian library which has been established and is being maintained in the municipality in which such school district is located [1911, May 18, P. L. 309, art. XXV, s. 2519, added 1929, May 7, P. L. 1630, s. 1.]

Sec. 2179. Consolidation of library boards on consolidation of school districts; discontinuance of some libraries. When two school districts are consolidated, and each of such districts maintains a public school library under the management and supervision of a board of library trustees, such boards, at the time of the consolidation of the school districts, shall be merged into one library board. The members of such consolidated library board shall continue in office until the expiration of their respective terms, and shall have the management and supervision of the libraries of both

such consolidated districts During the month of June succeeding the merging of the boards of library trustees, and annually thereafter, the school board shall appoint one trustee, to serve for a term of five years from the first day of July following his appointment After the merging of any such boards of library trustees, the said board may discontinue any one of the libraries under its supervision [1911, May 18, P L. 309 art XXV, s 2518, added 1915, May 28, P L. 627, s 7.]

H. COUNTY LAW LIBRARIES

(Purdon's Pennsylvania Stats Title 16, 1930, p 150-152, 416, s 481, 482, 484, 3901; *Ibid* 1940 Suppl p 71, s 483)

Title 16. Sec. 481 **Appropriations; law library committee.** The board of commissioners shall annually appropriate to the committee hereinafter provided such sum or sums as may be directed by the president judge of the court of common pleas of the county for the purchase and support of a law library, to be kept in or near the court house of the county, for the use of the citizens thereof

The money thus appropriated shall be expended under the direction of a committee of five members of the bar of the county, to be appointed annually by the judge or judges of the several courts thereof, who shall have power to fill any vacancies that may occur in said committee

Said committee shall have power to adopt such rules and regulations for the management of said library, as may be expedient and necessary for the proper care and preservation of the same, and shall, at the end of every year, report to the judge or judges aforesaid the condition of said library, and account for all expenditures of money made by them in relation thereto, which if approved shall be filed of record in the office of the prothonotary of said county [1929, May 2, P L. 1278, art V s 481]

Sec. 482. **Additional appropriations.** In all cases where a law library has been or may be established in any county for public use, the board of commissioners may annually make such appropriation as may, in addition to any other source of revenue provided by law, be necessary and sufficient to properly support and maintain such library [1929, May 2, P L. 1278, art V, s 482.]

Sec. 483 **Fines and forfeitures applied to law libraries in counties of the third and fourth classes.** All of the fines and forfeitures to which counties of the third and fourth classes are by existing or future laws entitled are hereby directed to be paid, at the discretion of the court imposing said fines and forfeitures, in such proportion as said court may direct, to the county treasurer, or to the committee hereinafter provided, for the support and maintenance of a law library to be kept in or near the court house for the use of the citizens of the county

The moneys to be used for law library purposes shall be expended for the support and maintenance of a law library, under the direction of a

committee of five members of the bar, to be appointed annually by the judge or judges of the several courts of the county, who shall have power to fill any vacancies that may occur in said committee

Said committee shall have power to adopt such rules and regulations for the management of said library as may be expedient and necessary for the proper care and preservation of the same, and shall, at the end of every year, report to the judge or judges aforesaid the condition of said library, and account for all expenditures of money made by them in relation thereto, which, if approved, shall be filed of record in the office of the prothonotary [As amended 1931, June 9, P L 401, s 1]

Sec 484. Counties of the fifth, sixth, seventh and eighth classes; fines, penalties for use of a law library. If in any county of the fifth, sixth, seventh and eighth class of this Commonwealth, where by law the fines, penalties, and moneys collected from forfeited recognizances are directed to be paid into the treasury of the county for the use of a law library to be kept in the court house of said county for the use of the courts and the bar thereof, and to be expended from time to time under the direction of a committee of the resident members of the bar appointed by the president judge, the said fines, penalties and money collected from forfeited recognizances are, in the opinion of the court, in excess of the amount required by the said committee for law library purposes, the court of common pleas of said county may, by its order, direct all or any portion of such fines, penalties or moneys from forfeited recognizances to be paid into the county treasury for the use of the county [1929, May 2, P L 1278, art V s 484]

NOTE—See also Title 16, p 152-153, s 2021-2024, not included in this compilation

Sec 3901 Judges may appoint librarians. Where not otherwise regulated by local or special laws, the judges of the several courts of this commonwealth, if they deem it necessary, shall have power to appoint a librarian, in counties where there is a law library connected with the said courts, supported in whole or in part by fines and forfeitures And the said officers shall be paid such compensation as the said judges shall allow, out of the moneys belonging to the said law library. [1889, April 19, P. L 38, s 1]

I. MISCELLANEOUS PROVISIONS

(1) PROTECTION OF LIBRARY PROPERTY

(Purdon's Pennsylvania Stats Title 18, 1940 Suppl p 256, 257, s 4910, 4911, 4913)

Title 18. Sec 4910 Injury to property of public library, museum, etc. Whoever wilfully cuts, mutilates or otherwise injures any book, volume, map, chart, magazine, newspaper, painting, engraving or statuary belonging to or deposited in any public library, free public library, museum, or gallery, or in any department of this Commonwealth, or procures such injury to be done, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars

(\$300), or undergo imprisonment not exceeding six (6) months, or both, and shall be liable to make good the said damage or injury to said institution in addition to the aforesaid fine and imprisonment.

No prosecution shall be maintained under this section unless the library, museum, gallery or department prosecuting, shall have at least two printed copies of this section conspicuously placed upon its premises. [1939, June 24, P. L. 872, s 910]

Sec. 4911. Retention of library property after notice to return. Whoever retains any book, pamphlet, magazine, newspaper, manuscript, map or other property belonging in, or to, or on deposit with, the State Library, or any free public library which is established or maintained under any law of this Commonwealth, or any public school library, or the library of any university, college or educational institution chartered by the Commonwealth, or any branch reading room, deposit station, or agency operated in connection therewith, for a period exceeding thirty (30) days after such library has given written notice to return the same, shall, upon conviction in summary proceedings, be sentenced to pay a fine of not more than ten dollars (\$10), to be paid over by the magistrate imposing such fine to the library instituting the prosecution, and costs of prosecution. Any person in default of payment of such fine and costs shall undergo imprisonment in the county jail for a period not exceeding ten (10) days.

Such notice may be given by personal service upon the borrower, or by the mailing of a registered letter to the borrower's address on file with the said library. The notice shall recite this act, and shall contain a demand that the property be returned [1939, June 24, P. L. 872, s.911.]

Sec. 4913 Malicious mischief to works of art, etc. Whoever unlawfully and maliciously destroys or damages anything kept for the purpose of art, science or literature, or as an object of curiosity, in any museum, gallery, cabinet, library or other repository which museum, gallery, cabinet, library or other repository is, either at all times or from time to time, open for the admission of the public, or any considerable number of persons to view the same, either by the permission of the proprietor thereof or by payment of money for entering the same, or any picture, statue, monument or painted glass in any church, meeting house or other place of religious worship, or any statue, monument, memorial tablet or work of art erected within any building or on any grounds for public view, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred dollars (\$300), or to undergo imprisonment not exceeding six months, or both. [1939, June 24, P. L. 872, s.913.]

(2) CIVIL RIGHTS

(Purdon's Pennsylvania Stats Title 18, 1940 Suppl p 198, s 4654)

Title 18. Sec. 4654. Discrimination on account of race and color.

(a) All persons within the jurisdiction of this Commonwealth shall be

entitled to the full and equal accommodations, advantages, facilities, and privileges of any places of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. Whoever, being the owner, lessee, proprietor, manager, superintendent, agent or employe of any such place, directly or indirectly refuses, withholds from, or denies to, any person, any of the accommodations, advantages, facilities or privileges thereof, or directly or indirectly publishes, circulates, issues, displays, posts or mails any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such places, shall be refused, withheld from, or denied to, any person on account of race, creed, or color, or that the patronage or custom thereat of any person belonging to, or purporting to be of, any particular race, creed or color is unwelcome, objectionable or not acceptable, desired or solicited, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one hundred dollars (\$100), or shall undergo imprisonment for not more than ninety (90) days, or both.

- (b) The production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person
- (c) A place of public accommodation, resort or amusement, within the meaning of this section shall be deemed to include * * * public libraries. * * *

(3) EMINENT DOMAIN

(Purdon's Pennsylvania Stats Title 53, 1931, p.215, 695, 410, s 12198-2801, 13421, 15030)

Title 53. Sec. 12198-2801. **Exercise of eminent domain.** In the laying out, opening, widening, extending, vacating, grading, or changing the grades or lines, of streets, lanes or alleys, the construction of bridges, and the piers, abutments and approaches therefor, the construction of slopes, embankments, and sewers, the erection and extension of * * * libraries * * * a city may enter upon, appropriate, take, use, occupy, injure, or destroy, private lands, property, toll bridges, or material. [1931, June 23, P. L. 932, art. XXVIII, s.2801.]

Sec. 13421. **Exercise of eminent domain.** In the laying out, opening, widening, extending, vacating, grading, or changing the grades or lines, of streets, lanes, or alleys, the construction of bridges, and the piers and abutments therefor, the construction of slopes, embankments, and sewers, the erection and extension of waterworks, wharves, and docks, public buildings,

public works, ***** and libraries, the establishing of parks and playgrounds, the changing of watercourses, and for all other purposes authorized by this act, a borough may enter upon, appropriate, injure, or destroy, private lands, property, or material [1927, May 4, P L 519, art. XIV, s 1401.]

Sec. 15030. Removal of bodies to other cemeteries. Whenever any burial ground privately owned and in charge of no person or persons, or any burial ground in charge of any religious society or church, or in charge of no one, has ceased to be used for interments, or has become so neglected as to become a public nuisance, or when such cemetery hinders the improvements and progressive interests of any borough, or is desired by the borough for any free public library building, or for any other public purpose--the court of quarter sessions of the county, upon petition of the managers of such cemetery; or upon the petition of fifty residents in the vicinity in case such cemetery is not in charge of any one, setting forth that the improvements and progressive interests of such borough are hampered and the welfare of such borough is injured, or upon the petition of such borough setting forth that such cemetery was desired by the borough for the erection thereon of a free public library building, or for use as recreation centers or municipal playgrounds, or the opening, laying out or extension through said land of any street or highway, or for any other public purpose, and after three weeks of advertisement, may direct the removal of the remains of the dead from such burial ground [1927, May 4, P L 519, art XXVIII, s 2810]

NOTE—See also Title 9, p 385, s 43

(4) SALE OF BOOKS TO LIBRARIES

(Purdon's Pennsylvania Stats Title 73, 1941 Suppl p 711, s 9-10)

Title 73 Sec 9 Parties and sales excepted from provisions of act. This act (governing contracts for sale of trade marked goods) shall not apply to any contract or agreement between wholesalers or between producers or between retailers as to sale or resale prices, nor shall the provisions of this act apply to, or fix, or limit prices at which any books may be sold or offered for sale to a library located in this State [As amended 1941, May 22, P L 49, No 30, s 1]

Sec 10 Definitions. The following terms as used in this act are defined as follows: ***

"Library" means the following nonprofit organizations administering a collection of books for nonprofit purposes: The national and state governments, counties, cities, boroughs, towns, townships, school districts, vocational school districts, universities, colleges, schools, archives, offices, museums and literary, educational, professional, scientific, fine arts and religious societies [As amended 1941, May 22, P L 49, No 30, s 1.]

(5) TAX EXEMPTION

(Purdon's Pennsylvania Stats. Title 72, 1940 Suppl p.64, s.5020-204)

RHODE ISLAND

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A. STATE LIBRARY

(1) GENERAL PROVISIONS

(Gen Laws of Rhode Island, 1938, p 50, ch 5, s 23, *Ibid* p 93, ch 22, s 1-4, 19,
20, 22, Acts & Resolves, 1933, Res No 22)

Ch 5, Sec 23 **State library; appointment of state librarian; librarian as ex officio record commissioner; powers and duties of librarian; legislative reference bureau; Rhode Island Historical Society and Newport Historical Society.** Within said department of State there shall be a state library, and for the supervision of the state library the secretary of state shall appoint a state librarian, qualified by training and experience, who shall serve at the pleasure of the secretary of state. The state librarian ex-officio shall be state record commissioner and as state librarian and record commissioner shall carry out the duties required by chapters 22 and 494. The state librarian shall continue to maintain and supervise the legislative reference bureau as specified in s 20 and 21 of said chapter 22. The state librarian shall also continue to expend such sums as may be appropriated from time to time by the general assembly for the purpose of caring for, preserving and cataloging the property of the state in the keeping of the Rhode Island Historical Society and the Newport Historical Society, and for the purchase and binding of books relating to the history of the state and for copying and preserving the records of the several towns of the state, as specified in s.17 of chapter 22. He shall also expend such sums of money as the general assembly may appropriate from time to time for the purpose of purchasing newspapers for the state to be deposited in the Rhode Island Historical Society. He shall also supervise the expenditure of money ap-

propriated by the general assembly for free public libraries and library extension service and shall enforce the provisions of ss.1, 2, 3, and 4 of chapter 23. [G. L. 1938, ch.5.]

Ch. 22. Sec. 1. Care and custody of state library within state department. Within the department of state there shall be a state library, and the secretary of state shall have the care and custody of the state library, except the law library, and shall receive and preserve all books and documents which may be sent to or purchased for the same. [P. L., 1935, ch.2250, s.21.]

Sec. 2. Annual appropriation for. The general assembly shall annually appropriate such sum as it may deem necessary for clerical service in the state library, and the state librarian is hereby authorized and empowered to employ additional clerical assistance. The state budget director and comptroller shall draw his orders upon the general treasurer for the payment of all sums appropriated under the authority of this section, or so much thereof as may be from time to time required, upon the receipt by him of proper vouchers approved by the state librarian and the secretary of state. [P. L., 1935, ch 2250, s 149]

Sec. 3. Annual report to be made of condition of library by secretary of state. The secretary of state shall annually at the January session make report to the general assembly of the condition of the library, and shall make such recommendations as he may deem advisable for the welfare thereof, and of the books purchased during the year preceding, and of the cost thereof.

Sec. 4. Librarian, how appointed. For the supervision of the state library the secretary of state shall appoint a state librarian qualified by training and experience who shall serve at the pleasure of the secretary of state. [P. L., 1935, ch 2250, s 21]

Sec 19 May employ assistants and incur expenses. The state librarian shall, with the approval of the secretary of state, employ such assistance and incur such expenses as may be necessary in the proper administration of the legislative reference bureau and the general assembly shall annually appropriate such sum as it may deem necessary for said purpose.

The state budget director and comptroller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of the amount appropriated, or so much thereof as may be from time to time required, upon receipt by him of proper vouchers approved by the state librarian and the secretary of state [P. L., 1930 ch 1600, amending P. L., 1925, ch.622, and P. L., 1920, ch.1915.]

Sec. 20. Annual appropriation to purchase newspapers published in state. The general assembly shall annually appropriate such sum as it may deem necessary to be expended by the said state librarian for the purchase and binding of newspapers published in this state; the copies to be received by the state librarian and to be deposited in the Rhode Island

Historical Society in accordance with s.19 of this chapter; and the state budget director and comptroller is hereby authorized to draw his orders upon the general treasurer for such sum or sums, upon the receipt by him of vouchers approved by the state librarian and by the secretary of state. [P. L., 1921, ch.2034]

Sec. 22. Annual appropriations for labor in state library. There shall be annually appropriated for labor in the state library, including cleaning, shifting and sorting books, such sums of money as the general assembly shall deem necessary; and the state budget director and comptroller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of all sums appropriated under authority of this section, or so much thereof as may from time to time be required, upon receipt by him of proper vouchers approved by the state librarian and the secretary of state. [Added by P. L., 1931, ch 1792.]

(Acts and Resolves, 1933, Res No 22)

Resolved. That the state librarian is hereby authorized and empowered, with the approval of the secretary of state, to transfer without title to other state, public, historical and reference libraries such books and pamphlets as in the opinion of the state librarian are no longer required for use in the state library. The librarians of the state, public, historical and reference libraries shall give proper receipts for such books and pamphlets thus transferred and the state librarian shall include in his annual report to the secretary of state an itemization of such transfer [App. April 26, 1933.]

(2) RHODE ISLAND HISTORICAL SOCIETY: NEWPORT HISTORICAL SOCIETY

(Gen Laws of Rhode Island, 1938, p 94, ch 22, s.15-17.)

Ch 22, Sec 15. Expenditures by state librarian on behalf of certain historical societies. Clause 1. The general assembly shall annually appropriate such sum as it may deem necessary out of any money in the treasury not otherwise appropriated, to be expended by the state librarian for the purpose of caring for, preserving and cataloguing the property of the state in the keeping of the Rhode Island Historical Society, and for the purchase and binding of books relating to the history of the state and for copying and preserving the records of the several towns of the state, and the said state librarian, with the approval of the secretary of state, may pay said sum to said Rhode Island Historical Society for said purpose.

Clause 2. The general assembly shall annually appropriate such sum as it may deem necessary, out of any money in the treasury not otherwise appropriated, to be expended by the state librarian for the purpose of caring for, preserving and cataloguing the property of the state in the keeping of the Newport Historical Society, and for the purchase and binding of books relating to the history of the state and for copying and preserving the records of the several towns of the state, and the said state librarian, with the

approval of the secretary of state, may pay said sum to said Newport Historical Society for said purpose.

Clause 3 The state budget director and comptroller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of said sums or so much thereof as may be required upon receipt by him of proper vouchers approved by the state librarian and the secretary of state [P L , 1935, ch.2250, s 21.]

Sec. 16 Historical societies to make annual report when. The Rhode Island Historical Society and the Newport Historical Society respectively shall annually make report to the general assembly of the manner in which any sums appropriated in accordance with s 17 have been expended

Sec. 17 State property to be marked. All books and papers belonging to the state in the keeping of the Rhode Island Historical Society and Newport Historical Society, respectively, or which may be purchased under the provisions of s 17, shall be plainly marked as the property of the state, and shall at all reasonable times be open to the use of the citizens of the state

(3) LEGISLATIVE REFERENCE BUREAU

(Gen Laws of Rhode Island, 1938, p 94, ch 22, s 18, 19)

Ch 22, Sec 18 State librarian authorized to establish legislative reference bureau. There shall be in the state library, under the direction of the state librarian, a legislative reference bureau which shall collect, arrange and place on file books, pamphlets, and other material relating to legislation, which shall prepare abstracts of laws in other states; and which shall present such other information as may be useful and necessary to the general assembly in the performance of its legislative duties. [P L , 1935, ch 2250, s 21]

Sec. 19 May employ assistants and incur expenses. The state librarian shall, with the approval of the secretary of state, employ such assistance and incur such expenses as may be necessary in the proper administration of the legislative reference bureau, and the general assembly shall annually appropriate such sum as it may deem necessary for said purpose

The state budget director and comptroller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of the amount appropriated, or so much thereof as may be from time to time required, upon receipt by him of proper vouchers approved by the state librarian and the secretary of state [P L , 1930, ch 1600, amending P L , 1925, ch 622, and P L , 1920, ch 1915]

(4) STATE AID TO LIBRARIES

(Gen Laws of Rhode Island, 1938, p 94, ch 22, s 21 , *Ibid* p 95, ch 23, s 1-5)

Ch. 22, Sec. 21. Further duties of state librarian; supervision of expenditures for free public and traveling libraries. Said state librarian shall also supervise the expenditure of money appropriated by the general as-

sembly for free public libraries and for the library extension service and shall enforce the provisions of ss 1, 2, 3 and 4 of chapter 23 [P. L., 1935, ch 2250, s.21]

Ch. 23, Sec 1 Amount of annual payments for each library; annual appropriations. The state librarian may cause to be paid annually to and for the use of each free public library established and maintained in the state, and to be expended in the purchase of books therefor, a sum not exceeding \$50.00 for the first 500 volumes included in such library, and \$25 00 for every additional 500 volumes therein: Provided, that the annual payment for the benefit of any one such library shall not exceed the sum of \$500.00. The general assembly shall annually appropriate such sum as it may deem necessary for the purpose of carrying into effect the provisions of s 1 of this chapter, and the state budget director and comptroller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of said sum or so much thereof as may from time to time be required upon receipt by him of certificates of the state librarian and the secretary of state. [P L , 1925, ch 592]

Sec 2 Establishment of rules by state librarian for management of library, etc. The state librarian shall from time to time establish rules prescribing the character of the books which shall constitute such a library as will be entitled to the benefits conferred by s 1, regulating the management of such library so as to secure the free use of the same to the people of the town and neighborhood in which it shall be established, and directing the mode in which the sums paid in pursuance of this chapter shall be expended. No library shall receive any benefit under the foregoing provisions, unless such rules shall have been complied with by those in charge thereof, nor until they shall have furnished to state librarian satisfactory evidence of the number and character of the books contained in said library

Sec 3 Establishment of library extension service and aid thereof; visitation and management; appropriations. The state librarian is hereby authorized and empowered to establish and maintain a library extension service within the state, to render aid to libraries which establish branch or visiting libraries in schools or places approved by said state librarian, and to render aid to associations which operate library extension service. Said state librarian is hereby authorized and empowered to provide for the visitation or examination of free public libraries and the management of library extension service, upon such conditions and in such manner as may seem proper to said state librarian. The general assembly shall annually appropriate such sum as it may deem necessary to carry into effect the provisions of this section, to be paid by the general treasurer on the order of the state budget director and comptroller upon the presentation of vouchers approved by said state librarian and by the secretary of state [P. L., 1935, ch 2250, amending P. L., 1920, ch.1875]

Sec. 4. Apportionment of payments to free libraries; annual appropria-

tions. The state librarian may cause to be paid annually to the free public libraries in the state whose means are not sufficient to maintain proper library service, a sum of money which shall be apportioned by said state librarian and devoted to the salaries of the librarians in the said libraries. Said money shall be apportioned only to libraries of which the librarians are paid salaries not exceeding \$500.00 annually: provided, that the annual payment to any such library shall not exceed \$400 00 The general assembly shall annually appropriate such sum as it may deem necessary for the purposes of this section; and the state budget director and comptroller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of said sum or so much thereof as may from time to time be required on the receipt by him of proper vouchers approved by the state librarian and by the secretary of state. [P. L., 1925, ch 592, amending P. L., 1921, ch.2083.]

Sec. 5 Duties of state librarian. The state librarian shall supervise the expenditure of money appropriated by the general assembly for free public libraries and library extension service, and shall enforce the provisions of this chapter. [P L , 1935, ch 2250, s 21]

(5) STATE RECORD COMMISSIONER

(Gen Laws of Rhode Island, 1938, p 947-948, ch 494, s 1-8)

Ch 494 Sec. 1. Officers to deliver official records, etc., to their successors in office, or to secretary of state; when; penalty for neglect. Every person who shall hold a public office shall, upon leaving the same, deliver to his successor in office, or, if there be no successor, to the secretary of state, all records, books, writings, letters and documents, kept or received by him in the transaction of his official business, and all moneys in his hands which he shall have received as trust funds from any person or otherwise in the course of his official business; and every such person who shall, without just cause, refuse or neglect for the space of 10 days after request made in writing by any citizen of the state, to deliver as herein required such records, books, writings, letters or documents, or to pay over such moneys, to person authorized to receive the same, shall be fined not exceeding \$500 00 and be imprisoned not exceeding 5 years

Sec 2. Penalty for neglect by other than the lawful custodian, to deliver official records, etc. Every person, other than the lawful custodian thereof, who shall have in his possession, or under his control, any such record, book, writing, letter or document as is designated in s 1 of this chapter, and who shall, without just cause, refuse or neglect for the space of 10 days after request made in writing by any citizen of the state, to deliver such record, book, writing, letter or document to the lawful custodian of the same, shall be fined not exceeding \$500 00 and be imprisoned not exceeding 5 years.

Sec. 3. Fireproof receptacles for records to be provided by cities and

towns. It shall be the duty of every city and town to provide fireproof receptacles for records and documents relating to the official business of said city or town, where the same may be kept free from injury from any cause. Said receptacles shall be of suitable type and subject to approval by the state record commissioner. In case of failure of any city or town to provide such fireproof receptacles, in accordance with the provisions of this section, it shall be the duty of the state record commissioner to furnish such receptacles as may be suitable for said purpose, and shall have a claim against the town for said expense, which claim shall be enforced in accordance with s.3 of chapter 352. [P. L. , 1926, ch.839]

Sec. 4. Penalty for removing, mutilating or destroying records, etc. When not in use, such records and documents shall be kept in the fireproof rooms, vaults or safes provided for them. Whoever unlawfully keeps in his possession any public record or unlawfully removes the same from the room in which it is usually kept or alters, defaces, mutilates or destroys any public record, or violates any provision of this section, shall, for each offense, be punished by a fine of not less than \$20 00 nor more than \$500 00. [P L , 1911, ch.700]

Sec 5 State librarian as record commissioner; duties of. The state librarian ex officio shall be state record commissioner and as state librarian and record commissioner shall carry out the duties required by this chapter. It shall be his duty to prepare for the use of the state a detailed report of the number, kind and condition of the various public records in the custody and under the control of the state, city and town officers in this state, and such parish and church records as may be obtainable, relating to extinct or active church organizations in said state, and as far as possible, of the records and place of deposit in other states, relating to the several cities and towns in the state of Rhode Island [P L , 1912, ch 822]

Sec. 6 Same subject; deputy; power to employ; expenses. Said record commissioner may employ such assistants, and may incur such expenses, as may be necessary in the proper administration of his office, and the general assembly shall annually appropriate such sum as it may deem necessary for the expenses of the administration of said office, and the state budget director and comptroller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of said sum, or so much thereof as may be necessary, upon receipt by him of proper vouchers approved by the secretary of state [P L , 1925, ch 622, amending P L , 1920, ch.1922.]

Sec. 7. Transfer of official city or town records to record commissioner. Any official of any town or city may transfer to the state record commissioner for permanent preservation in the state house, any official books, records and documents not in current use in their respective offices: Provided, however, that before any official books, records or documents are thus transferred to the state record commissioner, the consent of the town council, or in the case of cities the board of aldermen, shall be given to such

action on the part of any city or town official. The state record commissioner shall give a proper receipt for such books, records or documents as may be transferred and shall include in his annual reports, a brief record of the books, records and documents thus received during the period covered by said reports. [P. L., 1922, ch.2219]

Sec 8. Authority of record commissioner to seize records. If any official of any city or town having charge of any records, fails to observe the provisions of this chapter, or is negligent in properly caring for said records, the state record commissioner is hereby empowered to seize such records and to deposit them in the state house until such time as the city or town provides adequate protection for such records. For such purpose the state record commissioner may call upon the sheriff of any county to assist him [Added by P. L. 1927, ch 985]

(6) DISTRIBUTION OF STATE PUBLICATIONS

(Gen. Laws of Rhode Island, 1938, p 93-94, ch 22, s 5-11, *Ibid* p 69, ch 9, s 10)

Ch 22, Sec. 5 State librarian, duty of, as to exchange of state publications. It shall be the duty of the state librarian to exchange with such nations, states, municipalities, institutions, and persons outside the state as may confer a corresponding benefit, copies of the laws, law reports, reports of departments and institutions, and all other books and pamphlets published by the state, and to distribute such publications to such other nations, states, municipalities, institutions, and persons outside the state as may by law be entitled to receive them

Sec 6 Department may distribute own publications. Nothing in the preceding section shall be construed to prevent any department from distributing its own publications

Sec 7 Distribution, etc., to be with state libraries. Distributions to, or exchanges with, states shall be with the state libraries or the authorized exchange agencies of said states

Sec 8 State librarian may sell, exchange or destroy certain books, supplies, when. The state librarian, with the consent of the secretary of state, is hereby authorized and empowered to sell, exchange, or destroy all duplicate books, pamphlets, or other surplus supplies, which, in his judgment, are not available for use in the state library. All sums received from said sales shall be turned over to the general treasurer of the state [P. L., 1909, ch 462]

Sec 9 State officers to supply librarian with copies of publications. It shall be the duty of each state officer and director, upon the requisition of the state librarian, to supply the state library with a sufficient number of each publication issued from his department to enable him to carry into effect the provisions of this chapter.

Sec 10 State librarian to distribute certain documents to R. I. state libraries. The state librarian shall distribute to the several libraries of the state, as may apply for them, copies of the laws, reports of departments and institutions, and all other books and pamphlets published by the state except such as are distributed by public law.

Sec 11 What copies available for exchange. Copies of every volume published through the aid of the state shall upon requisition of the state librarian be transmitted to the state librarian for exchange with other libraries

Ch. 9, Sec 10 Distribution of Rhode Island reports. He (Secretary of State) shall distribute the numbers of volumes of the Rhode Island reports as the same shall be published, as follows Three copies to the librarian of congress, for the use of the United States, one copy to the secretary of each of the states and territories of the United States, for the use of the states and territories, one copy to each of the justices of the supreme and superior courts, one copy to each of said justices, for use in his office, to be by him transmitted to his successor in office, one copy to the district judge of the United States for the district of Rhode Island, said justices and judges, as newly appointed in succession, to receive all back numbers and volumes of reports so far as he can supply them, three copies to each of the clerks of the courts of this state and of the courts of the United States held in this state, one copy to each of the district courts, one copy to the governor, one copy to the lieutenant governor; one copy to the attorney-general, one copy each to the assistant attorneys-general, one copy to the speaker of the house of representatives, one copy to each of the standing registers in solvency, one copy to the division of public utilities, one copy to each of the sheriffs, one copy to the United States marshal for the district of Rhode Island, one copy to the United States referee in bankruptcy; one copy to the United States probation officer, one copy to each of the town clerks, said copies to said clerks of courts, sheriffs, marshal, referee, probation officer and town clerks to be kept as appendages to their said offices; ten copies to be kept in the state library in the state house in Providence; ten copies to the state law library, one copy each to the libraries of Rhode Island College of Education, Rhode Island State College, Brown University, Providence College, and Rhode Island School of Design; one copy to the Redwood Library; one copy to the Providence Athenaeum, one copy to the Rhode Island Historical Society; one copy to the Providence Public Library; one copy to the People's Library in Newport; one copy to the Free Public Library of Pawtucket, one copy to the William H. Hall Free Library of Edgewood. He shall reserve such number of volumes for the use of the state as in his opinion is necessary, and shall, at his discretion, sell or cause to be sold the remaining volumes of the edition, accounting to the general treasurer for the proceeds of such sales [P L. 1933, p 206-208, ch.2048.]

B. STATE LAW LIBRARY

(Gen. Laws of Rhode Island 1938, p.94, ch 22, s.12-14.)

Ch. 22, Sec 12. Disposition of law reports and statutes received by secretary of state. The secretary of state shall place in the law library, in the court house in Providence, all books of reports of judicial decisions and statutes which shall be received by him for this state from other states, and from the United States

Sec 13 Supreme court to have custody of law library and appoint librarian. The supreme court shall have the custody of the law library, and shall be responsible for the care and keeping thereof, and shall permit no book to be taken therefrom, except for the use of the general assembly, or the justices of the supreme or superior courts, or upon the order of some of said justices, or upon the order of some one of the standing masters in chancery, but any person may use the books within the library rooms. The supreme court shall appoint a librarian, who shall cause the library to be kept open daily, Sundays and holidays excepted, from 9 o'clock in the forenoon until 5 o'clock in the afternoon, except during vacation of the courts and on Saturdays, when it may be closed at 3 o'clock in the afternoon

Sec 14 Appropriation for law library. The general assembly shall annually appropriate such sum as it may be deemed necessary, to be expended under the direction of the justices of the supreme court, for the purchase of books and other literature, and binding the same, and for clerical assistance and incidental expenses for the state law library [P L, 1929, ch 1313, amending P L., 1909, ch 408]

C. MUNICIPAL LIBRARIES

(Gen. Laws of Rhode Island, 1938, p 695, ch 329, s.5, 6, 7, *Ibid* p 712, ch 339, s.1-5)

Ch 329, Sec 5 Power to establish free public libraries. The electors in any town or city qualified to vote upon any proposition to impose a tax, or for the expenditure of money in such town or city, may, by a majority vote of such electors voting at any meeting for the election of town officers, or members of the city council therein, appropriate a sum not exceeding 25 cents on each one \$100 00 of the ratable property of such city or town in the year next preceding such appropriation, for the foundation therein of a free public library, with or without branches, for all the inhabitants thereof and to provide suitable rooms for such library, which shall be used under such regulations as may, from time to time, be prescribed by the town council of such town, or city council of such city [P L, 1914, ch 1036]

Sec 6. Same subject; power to make appropriations for maintenance and increase of library, and to take, receive, hold and manage devises, bequests and donations therefor. Any town or city having established a free public library therein, in manner as aforesaid, may annually, by the majority vote of the electors of said town, qualified as aforesaid and voting on the

proposition, or by vote of the city council of said city, appropriate a sum not exceeding 39 cents on each \$1,000.00 of its ratable property, in the year next preceding such appropriation, for the maintenance and increase of such library therein, and may take, receive, hold and manage any devise, bequest or donation for the establishment, increase or maintenance of a public library therein, to be under such regulations for its government, when they are not prescribed by its donor, as may from time to time be prescribed by the town council of such town, or the city council of such city. Any such town or city may annually in like manner appropriate for the maintenance and increase of any free library therein a sum, which together with the sum appropriated in such year for the maintenance and increase of the free public library of such town or city shall not exceed 30 cents on each \$1,000.00 of its ratable property in the year next preceding such appropriation. [P. L., 1920, ch 1838]

Sec 7 Same subject; power to appropriate for libraries not its own. Every town not owning a free public library may, at the annual town meeting, appropriate a sum not exceeding 30 cents on each \$1,000.00 of its ratable property in the year next preceding such appropriation, for the maintenance and increase of any free library therein

Ch 339, Sec 1 Town or city council may accept gift of public library, or funds for. In case any library, or funds for the establishment thereof, may be offered to any city or town on the condition that said library shall be maintained as a free public library, the city council of any city, or town council of any town, is hereby authorized to accept such gift in behalf of the city or town.

Sec 2 Town or city council to elect trustees, and may fill vacancies. Whenever any city or town shall establish a free public library, or shall become possessed, as above provided, of any such library, the aforesaid city council or town council, as the case may be, shall proceed to elect a board of trustees, to consist of not less than 3 members nor more than 7. As soon as possible after the election of the first board, the members thereof shall meet and be divided by lot into 3 groups or classes, the terms of office of one group expiring in one year from the date of their election, those of another group in 2 years, and those of the remaining group in 3 years. With the expiration of the term of office of any member the vacancy shall be filled by the city council or town council, as the case may be, for the term of 3 years. Vacancies occurring by resignation, removal, death, or otherwise, shall be filled as above for the unexpired term thereof.

Sec 3. Duties and powers of trustees. The aforesaid trustees shall take possession of said library, and shall thereafter be the legal guardians and custodians of the same. They shall provide suitable rooms for the library, arrange for the proper care of the same, choose one or more competent persons as librarians and fix their compensation, and make all needful rules and regulations for the government of the library and the use of the books: Pro-

vided, that no fee for the use of the books shall ever be exacted

Sec. 4 Appropriation for support of library to be made annually. All appropriations from the city or town and state, and the income of all funds belonging to the library, shall be subject to the exclusive control of the trustees, and the several city and town treasurers shall pay, within the limits of the appropriations and other library funds in their hands, all bills properly certified by the said trustees

Sec 5 Trustees to accept and receipt for legacies. In case of any bequest, legacy or gift to, or in favor of, a public library, the trustees thereof are hereby authorized and empowered to accept the same in behalf of, and for the use of, the library, and their receipt shall be a full and sufficient discharge and release to any executor, administrator or other person authorized to make the payment thereof.

D. SCHOOL LIBRARIES

(Gen Laws of Rhode Island, 1938, p 411, ch 177, s 5)

Ch 177, Sec 5 Duties of director with respect to uniformity of text books and establishment of, and selection of books for, school libraries. He (director of education) shall recommend and bring about, as far as practicable, a uniformity of text-books in the schools of all the towns, and shall assist in the establishment of, and selection of books for, school libraries

E. PROTECTION OF LIBRARY PROPERTY

(Gen Laws of Rhode Island, 1938, p 1160, ch 608, s 63)

Ch 608, Sec. 63 Free public or reference libraries; malicious mischief to property of. Every person who wilfully and maliciously or wantonly and without cause writes upon, injures, tears, or destroys any book, pamphlet, plate, picture, engraving, statue, or other property belonging to any law, town, city, or other free public or reference library, or suffers such injury to be inflicted while said property is in his custody, shall be fined not more than \$20 00, the same to be for use of the library

F. TAX EXEMPTION

(Gen Laws of Rhode Island, 1938, p 103, ch 29, s 2)

SOUTH CAROLINA

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A. STATE LIBRARY

(South Carolina Code, 1932, v.2, p 591-593, 160, s 3449-3458, 2242, *Ibid.* v.1, p 1175, S C Constitution, Art 17, s 1)

Sec 3449. State librarian; how elected and term of office. The general assembly shall elect a state librarian, whose term of office shall be for four years, and until a successor shall be elected and qualified [L 1929, s 36, 93.]

Sec 3450 Same; duties. The state librarian shall have the charge and responsibility for the safe-keeping of the property of the state committed into the care of said officer, and shall perform the duties required by, and shall otherwise act under the direction of, the board of trustees as hereinafter constituted [L 1900, 26, 416]

Sec. 3451 Same; salary. The salary of said officer shall be eight hundred dollars, and it shall be due and payable as the salaries of other state officers are due and paid [L 1900, 23, 416]

Sec. 3452. Oath of office and bond. The state librarian, before entering upon the duties of the office, shall take and subscribe the oath prescribed in Section 26 of Article III of the Constitution, and shall also enter into a bond with the state, to be approved by and filed with the state treasurer, in the sum of two thousand dollars, for the faithful discharge of the trust reposed. [L. 1898, 22, 765.]

Sec. 3453 Board of trustees for the state library. The governor, the secretary of state and the superintendent of education, and their successors in office, ex officio, shall constitute a board, to be designated and known as the board of trustees of the state library, and shall be vested with the duties and powers hereinafter conferred to conduct, care for and foster the state library so as to enhance its usefulness to the citizens of the state. [L 1898, 22, 765.]

Sec. 3454. Powers of board of trustees. The said board shall have the power of expending any money appropriated for the increase of the state library in the purchase of suitable books and other matter of a literary and scientific nature and works of art appropriate to a complete library, as in the exercise of discretion may seem to be for the interest of the state library. The board shall also have the power to make convenient rules for its care and management, which shall be printed and publicly displayed within the library hall, and so regulate the conduct of the state library as may best advantage the citizens of the state and increase its usefulness [L 1898, 22, 765.]

Sec. 3455. Duties and powers of trustees. The said board of trustees shall be empowered to accept and retain donations of books and other property adding to the value of a public library, whether the donation be absolute or in trust, temporary or indefinitely, and shall likewise receive and disburse any funds obtained by gift, will or otherwise for the use of the state library [L. 1898, 22, 765.]

Sec 3456. Duty of trustees as to unbound volumes. It shall be the duty of the said board of trustees to be caused to be bound any unbound volumes deposited in the state library that in its judgment may be necessary, and shall cause the same to [be] stamped as the property of the state. The cost of binding, which may not exceed the price charged by contract with the state at the time of such work, shall be paid out of the state treasury upon the warrant of the said board of trustees [L. 1898, 22, 765]

Sec. 3457. Trustees empowered to sell certain books. The said board of trustees are hereby empowered to sell any books of any kind, in the nature of public documents, or surplus books of other kinds, whether bound or unbound, in the state library, at a fixed and reasonable price, and the proceeds of sale of the same shall be invested from time to time by the said board in books for the increase of usefulness of the state library; Provided, That sufficient copies be retained for the use of the general assembly and

for free distribution among public libraries and the governments of other states and of the United States [L. 1898, 22, 765.]

Sec. 3458. Trustees to report to general assembly annually. The board of trustees for the state library are required, annually, to make a report of the proceedings of the board and the condition of the library in its charge to the general assembly, with any recommendations that may seem for the advancement of the interests of the library. [L. 1898, 22, 765.]

Sec. 2242 Commission on state house and grounds established. The Secretary of State, Comptroller General, and the state librarian are hereby created a Commission on State House and State House Grounds, for the purpose of their proper keeping, landscaping, cultivation and beautifying, with authority to expend such amounts as may be annually appropriated therefor. The Secretary of State shall be Chairman of the Commission hereby created, and said Commission shall elect a secretary from its number. The said Commission shall employ all help and labor in policing, protecting and caring for said State House and State House Grounds, and shall have full authority over the same [L. 1918, XXX, 1907]

Const Art 17, sec 1 Qualification of officers. No person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector; Provided, The provisions of this Section shall not apply to the offices of State Librarian and Department Clerks, to either of which offices any woman, resident of the State two years, who has attained the age of twenty-one years, shall be eligible [See Const 1868, XIV, 1.]

B. SUPREME COURT LIBRARY

(South Carolina Code, 1932, v 1, p 5, s 16)

Sec. 16 Messenger and Attendant.

* * * * *

Library in care of clerk The library of the Supreme Court shall be in the custody and care of the Clerk of said Court, who shall annually, with the consent and approval of the Court, employ some suitable person, as a departmental clerk, to care for and attend in the library and perform such duties with reference thereto as may be prescribed by the Court. The librarian so employed may be discharged by order of the Court at any time, and shall receive such compensation as may be provided by law. Any woman who has attained the age of twenty-one years, and has been a resident of this State for two years may be employed as such librarian. [1918, 788]

C. LEGISLATIVE LIBRARY

(South Carolina, Code, 1932, v 2, p.104, s 2254.)

Sec. 2254. Appropriations for legislative library. The sum of five hundred dollars shall be annually appropriated for the purchase of a library for

the use of the members of the Senate and House of Representatives of this State [L. 1920, 31, 875]

D. STATE HISTORICAL COMMISSION

(South Carolina Code, 1932, v.2, p 97-98, s 2231-2233, Acts, 1936, p 2052, 2053, Act No 1050, s 2-A)

Sec 2231. **Historical Commission.** A commission is created to be known as the Historical Commission of South Carolina, to be composed of the respective heads of the chairs of history in the University of South Carolina, the Citadel, the Military College of South Carolina, and Winthrop Normal and Industrial College of South Carolina, and their successors in their respective chair, and three other members as provided in section 2233 [L 1915, 29, 114]

Sec 2232 **Duty.** It shall be the duty of said commission to procure such documents or transcripts of documents and such other material relating to the history of South Carolina as they may deem necessary or important, to superintend the arrangement and preservation of the same, and to make suitable regulations for their inspection and examination in order to protect them from injury [L 1894, 20, 833]

Sec 2233 **Appointment of members and term of office.** Three (3) members of said Commission shall be elected as follows One member by the United Confederate Veterans of South Carolina and one by the South Carolina Historical Society and one by the American Legion of South Carolina The three (3) members last named to be elected for terms of ten years each, beginning January 1st 1915, and at the expiration of their terms their successors shall be elected by said organizations for similar terms and so on at the expiration of every ten years In case of a vacancy by death or otherwise of either of such elective members, the vacancy shall be filled for the unexpired time by that organization which has elected the members so vacating. This Commission so constituted shall hold, at the office of the Commission, at least one regular meeting a year, at which they shall elect a chairman, a vice-chairman, and a secretary, as provided in Section 2236 of this Article, and shall make an annual report of their acts and doings to the General Assembly [S C Acts, 1930, p.1271, Act 750]

Sec 2-A. **South Carolina Historical Society; occupy and control one of the buildings.** That the County of Charleston for and during the term of this lease and as a part of the consideration, therefor is hereby required to allow the South Carolina Historical Society or its successors to occupy and have the exclusive control of the building at the extreme east end of the buildings, situate between the old Mess Hall and Meeting Street, or such other building in lieu thereof as the South Carolina Historical Society may desire and the County of Charleston may agree to. [S.C Acts, 1936, p 2052, 2053, Act, No 1050, s 2-A]

E. STATE PUBLIC LIBRARY ASSOCIATION

(South Carolina Code, Suppl. p 231-232, s.5472-5473.)

Sec. 5472. (1) **State public library association; Directors.** There is hereby created an Association, to be known as the State Public Library Association. A Board of Directors of five members shall be appointed by the Governor, upon the recommendation of the State Superintendent of Education, one for the term of three years, one for the term of four years, one for the term of five years, and thereafter one shall be appointed each year for a term of five years. The basis, conditions, classifications and qualifications for membership in said Association shall be fixed by the above Board.

(2) **Duty.** It shall be the duty of the said State Public Library Association to create public libraries over the entire state, and, acting through the Board of Directors, it shall have the right to devise and carry into effect methods by which libraries may be extended to the rural districts of the State.

(3) **Officers; agents; compensation.** The Board of Directors shall elect a Chairman and Secretary annually. The Secretary, if possible, shall be an experienced librarian of administrative ability, and shall be chosen either from within or without the said Board. Such other officers and agents as may be required may from time to time be chosen by the Board. No member of the Board shall receive compensation for services.

(4) **Finances; districts; standards for services; libraries, etc.** The Board of Directors shall have power and authority to receive funds derived from gifts to the Association, or membership fees, or from any private or public source, and administer and disburse such funds in such manner as may in its judgment best advance the objects above stated; to create districts of the state, having such area as the Board may deem proper, said districts being created for the purpose of facilitating the establishment and maintenance of public libraries; to allocate funds at its disposal between the districts or otherwise created; to set standards for the library service rendered therein; to issue certificates to librarians, or those desiring to become librarians, in accordance with standards and under conditions prescribed by the Board; and to take such other action as may be deemed by it to be advisable or necessary to foster and encourage the establishment and maintenance of adequate public library service within the State of South Carolina.

(5) **Public libraries furnish information.** All public libraries shall furnish the Board with such statistics of conditions and growth as the Board shall from time to time request.

(6) **Establish and maintain libraries.** Within the districts determined by the State Library Board of Directors, the Library Board, by whatever name the same may be designated, of any public county, township, school district or municipal library may contract, in behalf of the political unit represented by such Library Board, to and with the State Library Board of

Directors and/or to and with the Library Board of any other political unit, or any governmental agency or instrumentality, in connection with matters touching the establishment and maintenance of public libraries upon such terms as may be agreed upon by the several contracting parties. Where there is no existing public library, the power to contract shall vest, as to a county, in the County Board of Commissioners, and, as a municipality, in the City or Town Council. Included in the power conferred is the determination of basis and personnel of representation of the local political unit on such District Library Board as may be created. If such shall be created, the said District Library Board shall have the same power of contract in behalf of the district as is herein conferred upon the local political unit: Provided, however, That in making such contracts the parties thereto shall not exceed in obligation assumed the funds available or to become available for the accomplishment of the objects sought, nor shall the credit of the State or any political subdivision be pledged in the absence of statutory authority.

Sec. (5473) 1. All Acts or parts of Acts inconsistent herewith are hereby repealed [1936, Act No 157, p 220]

F. DISTRIBUTION OF PUBLIC DOCUMENTS

(South Carolina Code, 1932, v.2, p 54, s 2107, 1936 Suppl p 81, s 2109, 2135-1; 1938 Suppl s 2109-1)

Sec. 2107. **Delivery of permanent work to state librarian who shall distribute copies to persons entitled to receive them.** On the completion of the permanent work, they shall deliver the same (Journals, Reports and Acts of the General Assembly) to the State Librarian, who shall forward, by mail or otherwise, as he may deem expedient, a copy thereof to each of the members of the General Assembly, and a copy of the Acts and Joint Resolutions to the different states, institutions, and officers entitled by law to receive them. [1896, XXII, 203, s.2]

Sec 2109 **How acts and resolutions should be distributed; copies of the acts and joint resolutions shall be distributed as follows (by the Clerk of the Senate and the clerk of the House of Representatives): * * ***

(19) **Library of Congress, eight copies.**

(37) The state librarian is hereby authorized and directed to include the College of Charleston among the institutions of the state to which copies of the acts and joint resolutions of the General Assembly legislative journals and reports of state officers are directed to be sent annually. [1936 (39) 1317]

(38) The state librarian is hereby authorized to furnish, upon request, copies of Acts and Joint Resolutions and the permanent journals of the General Assembly, to any recognized college or university in this state. [1936 (39) 1548]

Sec 2109-1 **Deliver additional copies of certain publications to the law**

library, University of South Carolina. Be it enacted by the General Assembly of the State of South Carolina: That from and after the approval of this Act the officials charged with the distribution of such publications shall deliver to the law library of the University of South Carolina the following number of such publications in addition to those now by law delivered to said law library, not later than thirty (30) days after they are printed from time to time: Twenty-five copies of the Acts of the General Assembly, seven (7) copies of the Acts and Joint Resolutions of the General Assembly, twenty-five (25) copies of the proceedings of any Constitutional Convention of the State of South Carolina, twenty-five (25) copies of the Code of Laws of South Carolina, and forty-eight (48) copies of the Reports of the Supreme Court of South Carolina

The officials of the law library of the University of South Carolina are hereby authorized and directed to exchange all or any part of the publications enumerated in Section 1 of this Act for publications relating to government useful to students of law and public officials, and shall catalogue and arrange such material so as to make it serviceable to members of the General Assembly [1937 (40) 152]

Sec 2135-1 Transmit annually to Library of Congress certain publications. Be it enacted by the General Assembly of the State of South Carolina: That from and after the approval of this Act, the officials charged with the distribution of such publications shall annually forward by mail or otherwise, as they may deem expedient, the following number of such publications to the Library of Congress, Washington, D C to wit:

Eight copies of the Reports of the Supreme Court. Two copies of the Journals and Reports of the General Assembly Eight copies of the Acts and Joint Resolutions Eight sets of the 1932 Code of Laws

That these provisions are made in recognition of benefits received through receipt at depository libraries and elsewhere in the State of South Carolina of public documents of the United States under the provisions of federal laws [1936 (39) 1350.]

G. COUNTY, TOWNSHIP AND MUNICIPAL LIBRARIES

(1) GENERAL PROVISIONS

(South Carolina Code, 1932, v 3, p 539-542, s 7347-7357, 1939 Acts, p.169, Act No 115 amending s 7351)

Sec 7347 Public libraries; tax levied. Any county, township or municipal corporation or school district in the State of South Carolina may acquire, own or operate a public library or public libraries, and a tax or taxes not exceeding two mills may be levied and collected for the support or acquisition of the same as hereinafter provided [L 1931, 37, 220.]

Sec. 7348. Petition; election; thirty days' notice; ballots. Whenever one fourth of the qualified electors of any county or any township or school district of any county shall file with the clerk of the Circuit Court of

such county a petition praying for an election to be held in such county, or township, or school district on the question of acquiring or establishing a public library or public libraries in such county, or township, or school district, as the case may be, and levying a tax not exceeding two mills for the acquisition or support of the same it shall be the duty of the said clerk within ten days to make an order thereon and serve the same on the commissioners of election of the county requiring such commissioners of election to hold an election, after giving at least thirty days' notice thereof in the newspapers of such county, or township or school district as the case may be, upon the question stated in said petition not later than 60 days thereafter nor earlier than thirty days thereafter. Provided If there be no newspaper published in said county, or township, or school district, as the case may be, then notice may be given by posting the same on the court house door of the county and in two other public places in the county, or township or school district, as the case may be. Said petition shall be accompanied by a certificate of the board of supervisors of registration of the county that the names appearing on the petition constitute one-fourth of the qualified registered electors of said county, or township, or school district, as the case may be. Such question shall be submitted to the electors in this form: Each ballot shall have printed or written on it the proposition desired to be submitted by said petition, and upon this question the electors shall vote "yes" or "no." [1931, XXXVII, 220.]

Sec. 7349. Library trustees; appointment; number; terms; duties; levy for support of library. In the event a majority of the qualified electors voting at the election provided for in section 7348 shall vote "yes" upon such question within ten days after such result may be determined, the county board of education shall appoint five competent citizens of the county, or township, or school district, as the case may be, who shall be known as the county, or township district, or school district library trustees. One of said trustees shall hold office for the term of two years, one for the term of four years, one for the term of six years, one for the term of eight years, and one for the term of ten years, or until their successors shall be duly appointed and qualified. At the time of the appointment of said five trustees, they shall determine their respective terms of office by lot. Such library trustees, after their appointment as aforesaid, shall furnish the county auditor with a statement of the amount of the taxes, not exceeding two mills, to consider necessary to be levied for the purpose provided in the said election, and the auditor shall enter same in the tax duplicate; and he shall thereafter annually enter said amount in the tax duplicate until the same is increased, decreased or repealed by the qualified electors at an election called for the purpose, and he is notified that the same has been increased, decreased or repealed, and if increased or decreased, he shall annually enter it as before, according to said increase or decrease. Said election upon increasing, decreasing or repealing said tax

or taxes shall be called and notice given in the same way and manner as is provided for the election authorized in section 7348, and it shall be the duty of the county treasurer to collect the tax or taxes as herein provided for as other county and State taxes. Such levy shall be a lien on the property in said county, or township, or school district, as the case may be, and said property shall be subject thereto in case of default of payment as in the case of other taxes. Such taxes shall be paid out by the county treasurer upon warrant drawn by the library trustees of the county, or township, or school district, as the case may be. [L. 1931, XXXVII, 220.]

Sec. 7350. Trustees may take over public libraries; support. The said county, or township, or school district library trustees, as the case may be, are authorized and empowered to accept or establish upon such terms as they deem right in the exercise of their discretion, any public library or public libraries, and, if accepted, to support and maintain the same from the funds arising from the taxes hereinbefore provided for or any other funds that may come into their hands from any other source, and having been accepted or established, said library or libraries shall be managed or controlled by said county, or township, or school district library trustees, as the case may be, and it shall be lawful, and authority is hereby given, that any library or libraries in the State of South Carolina supported in whole or in part by public taxation be turned over and placed under the control of the library trustees provided for in section 7349. [1931, XXXVII, 221.]

Sec 7351 Municipal library election; notice; ballots. Whenever one-fourth of the free-holders of any municipal corporation in the state of South Carolina shall file with the Town or City council of such municipal corporation a petition praying for an election to be held in said municipal corporation on the question of establishing or acquiring and operating a public library or public libraries in such municipal corporation and levying a tax not exceeding two mills for the support or acquisition of the same, it shall be the duty of said town or city council within ten days thereafter to order an election, after first giving at least thirty days' notice thereof in some newspaper published in said municipal corporation, upon the question stated in said petition not later than sixty days thereafter and not earlier than forty days thereafter; Provided, if no newspaper be published in said municipal corporation the notice may be given by posting the same in three public places in said municipal corporation; Provided, further, That before ordering said election it shall be the duty of the Town or City council to ascertain to their satisfaction that said petition actually does contain the names of one-fourth of the free-holders of said municipal corporation Said question shall be submitted to the electors in this form: Each ballot shall have printed or written on it the proposition desired to be submitted by the said petition, and upon this question the electors shall vote "Yes" or "No", Provided, Further, that the provisions of this Section shall not

apply to the Town of Clinton, in Laurens County, and the Town Council of the Town of Clinton be and it is hereby authorized and empowered to acquire, construct and establish a public library, by purchase or otherwise, and it shall have full power to provide for its management and operation [As am. by Acts 1939, p.169-170, Act No 115]

Sec 7352. If favorable; trustees named; council to levy tax; collection; disbursement. In the event that the majority of the qualified electors voting at the election provided for in section 7351 shall vote "Yes" upon such question, within ten days after the ascertainment of said result, it shall be the duty of the said town or city council to name five competent persons, citizens of said town or city, to be the town or city library trustees. The term of office of such trustees to be the same and to be determined in the same maner as is herein before provided for county or township library trustees Within ten days after the appointment and qualification of said trustees it shall be their duty to give notice to the town or city council of the amount of taxes, not exceeding two mills, they consider necessary to be levied for the purpose herein provided. And it shall be the duty of said town or city council annually each year thereafter to have levied and collected said tax or taxes until the same is increased, decreased or repealed by the qualified electors at an election called for that purpose, and if increased or decreased, they shall annually thereafter levy and collect said increased or decreased tax or taxes in the same manner as the original tax, which election shall be called and notice given in the same way and manner as is provided for the election mentioned in section 7351 Such tax or taxes shall be collected in the same manner as other town or city taxes, shall be a lien on property in the same manner as other town or city taxes, and said property shall be subject thereto in case of default of payment as is the case with other town or city taxes Said taxes so collected shall be paid out by the town or city treasurer, or such other officer as may be thereto authorized by the town or city council, upon warrants drawn by town or city library trustees [L 1915, 29, 181]

Sec 7353 Public libraries turned over to trustees; support. The said town or city library trustees provided for in section 7352 and authorized and empowered to accept or establish upon such terms as they deem right, in their discretion, any public library or public libraries, and, if accepted, to support and maintain the same from the tax or taxes provided for in section 7352, or any other funds which may come into their hands from any other source, and having been accepted or established, said libraries shall be maintained and controlled by said town or city library trustees, and it shall be lawful, and authority is hereby given, that any library or libraries in the State of South Carolina, supported in whole or in part by public taxation, be turned over and placed under the control of the library trustees provided for in section 7352 [L.1915, 29, 181]

Sec. 7354. Additional tax. That the tax or taxes provided for in section

107 [4485] of this article may be levied and collected, in addition to the tax or taxes at present authorized in municipal corporations under the laws of the state of South Carolina [L.1915, 29, 181.]

Sec 7355. Location of library. That no library or libraries established, operated or maintained under the provisions of this Article shall be located outside of the county, township or municipal corporation, or school district, as the case may be, in which the same has been authorized [L. 1931, 37, 220.]

Sec 7356 Election once in twelve months. That no election provided for in any section of this article be held oftener than once in twelve months, and in said elections none but qualified electors shall be allowed to vote [L 1915, 29, 181 0.]

Sec 7357 School trustees not eligible No school trustee shall be appointed library trustee hereunder, but no person holding any other office in this state shall be thereby disqualified to serve as library trustee. [L 1915, 29, 181]

(2) AIKEN COUNTY LIBRARY

(South Carolina Code, 1936, p 1440-1441, Act 759, s 1-7)

(3) CHEROKEE COUNTY, SCHOOL DISTRICT 10

(South Carolina Acts, 1936, p 1698, Act No 926, s 1-3)

(4) DARLINGTON COUNTY LIBRARY

(South Carolina Acts, 1936, p 1774-1775, Act No 996, s 6)

(5) GREENVILLE COUNTY LIBRARY DISTRICT

(South Carolina Code, 1932, v 3, p 542-544, s 7358)

(6) GREENWOOD COUNTY LIBRARY

(South Carolina Acts, 1937, p 490-492, Act No 314, s 1-9)

(7) HARTSVILLE MEMORIAL LIBRARY

(South Carolina Acts, 1936, p 1371-1375, Act No 703, s 1-10, amended by Acts, 1939, p 442-444, Act No 281, s 1-3)

(8) LANCASTER COUNTY PUBLIC LIBRARY

(South Carolina Acts, 1936, p 1658-1662, Act No 904, s 7)

(9) LAURENS COUNTY LIBRARY

(South Carolina Acts, 1937, p 1879, No 1037, s 1-5)

(10) MARLBORO COUNTY LIBRARY

(South Carolina Acts, 1937, p 213, Act No 166, s 1-5)

(11) NEWBERRY COUNTY LIBRARY

(South Carolina Acts, 1936, p 2536, Act No 1264, s 1-5)

(12) **CARNEGIE PUBLIC LIBRARY OF SUMTER**
(South Carolina Acts, 1939, p.227-230, Act No. 163, s.1-12.)

H. REGIONAL LIBRARIES

(South Carolina Acts, 1934, p.1480, No. 873, s.1-11.)

Sec. 1. It is declared that the education of man is essential to his progress and contentment; that one of the justifications for the existence of organized government is that among its legitimate functions is the establishment of facilities of education, and that among the chief of these is the establishment of libraries. Their establishment is encouraged and authorized under the terms of this Act.

Sec. 2. As used in this Act, the following words or terms shall mean: (a) "regional library," a library established primarily to serve the inhabitants of a given area; (b) "area," a territory proposed to be included or embraced in a regional library, and may consist of one or more counties, municipalities, townships, school districts or any combination thereof.

Sec. 3. Whenever not less than one-fourth of the qualified electors of the County or of one or more political subdivisions thereof or of any municipality therein shall file with the clerk of the Circuit Court of such County, a petition asking for an election to be held in such county or in any political subdivision or subdivisions thereof, or in any municipality therein, as the case may be, on the question of establishment of a regional library defining the territory to be included in the area thereof and levying a tax of not exceeding two mills on the property in such area, for the establishment, maintenance and support of the same, it shall be the duty of the said Clerk within ten days thereafter to make an order thereon and serve the same on the Commissioners of election of the County requiring such Commissioners to hold an election upon the question stated in the petition after giving at least thirty days' notice thereof in a newspaper published, and circulated in such County, not earlier than forty days thereafter. The petition shall be accompanied by a certificate of the Board of Supervisors of Registration of the County, that the names appearing on the petition constitute one-fourth of the qualified registered electors of the County or of the political subdivision or subdivisions, or of the municipality named in the petition, as the case may be. Appropriate ballots shall be prepared for the use of the electors in such elections.

Sec. 4. Provided, that before any library is established for any area comprising territory lying in more than one County, a majority of the qualified electors of each county, or of the political subdivisions of each County, or of the municipality included in such area, voting in such election shall vote in favor thereof.

Sec. 5. In the event a majority of the qualified electors voting at any election, provided for in the foregoing section, shall vote in favor of the establishment of a regional library, as provided above, the County Board

of Education within ten days after the declaration of the result shall appoint three competent citizens residents of the territory of the County comprised in the area of the regional library as trustees of such regional library, who together with the trustees appointed from any other County or Counties under the provisions hereof shall constitute the Board of Trustees of such regional library.

Provided, That no member of a Board of School Trustees shall be eligible for appointment as Library Trustee. The trustees from each county shall hold office for a term of one, two and three years, and until their successors shall have been appointed and qualified. The trustees from each County shall determine among themselves, by lot, the length of their respective terms. The regular terms of office shall be for three years and until their successors shall have been appointed and qualified and appointment thereto shall, in like manner, be made by the County Board of Education. The trustees of such regional library shall furnish the County Auditor or the respective county auditors, as the case may be, with a statement of the amount of taxes, not exceeding two mills, which they may consider necessary to be levied for the purpose of establishing, maintaining and operating the regional library and the auditor shall enter the same in the tax duplicate and he shall thereafter annually levy the said amount and the Treasurer shall collect the same, unless and until the same is increased, within the limitations hereof declared, or repealed by the majority of all of the qualified electors voting at an election called for that purpose, such taxes shall be paid out by the County Treasurer upon warrants drawn by the trustees of such regional library.

Sec 6. The trustees of any such regional library are authorized and empowered to accept or establish upon such terms as they deem best, any public library and to support and maintain the same from the funds arising from the levy herein authorized and from any other funds that may come into their hands from any other source. Authority is hereby conferred upon the governing body of any library in the State of South Carolina supported in whole or in part by public taxation to turn the same over to the management and control of the trustees of any regional library established under the terms of this act. And the trustees of any regional library are authorized and empowered to contract with any public library situate in the area to furnish library facilities to the people of the area, in lieu of establishing a regional library, and to devote the tax levy herein authorized, or so much as may be necessary, to the payment of such service.

Sec. 7. If the trustees of any such regional library deem necessary, they are authorized and empowered to borrow in anticipation of the collection of the taxes herein authorized, a sum of money not exceeding the amount annually to be raised from the authorized levy and to make their obligations therefor and retire the same, together with interest, from the proceeds of the levy.

Sec. 8. The location, establishment, operation and conduct of regional libraries provided for herein shall be as determined by a majority of the members of the Board of Trustees and such Board shall prescribe rules and regulations for the management of such libraries; and the State Public Library Association shall act in an advisory capacity to the said Board of Trustees

Sec. 9. The provisions of this act are amendatory to and cumulative to existing provisions of law, relating to the establishment and maintenance of Public Libraries.

Sec. 10 All Acts or Parts of Acts inconsistent with this Act are hereby repealed.

Sec. 11 This Act shall take effect immediately upon its approval by the Governor

I. SCHOOL LIBRARIES

(1) GENERAL PROVISIONS

(South Carolina Code, 1932, v 2, p 1208, 1227, s 5423, 5424, 5492, *Ibid* 1938 Suppl p 266, s 5290-1, Acts, 1937, p 1450-1459, subsection 52)

Sec 5290-1 * * *

(2) **Operate rental system for school textbooks in certain counties and school districts; institutions of higher learning establish textbook rental systems; school book commission furnish library books; school district or counties acquire; library committee.** * * * *Provided*, further, that the state school book commission is authorized and directed to furnish library books, from an approved list, to the public school districts or counties of this state upon the same terms and conditions that textbooks are now furnished under the terms of this section. *Provided*, however, when any school district or county shall pay the state school book commission the purchase price, plus interest, for said library books, said books shall become the property of the school district or county paying for the same, and there shall be created and established a library committee to be composed of the state superintendent of education, the director of the division of elementary education, the high school supervisor and four (4) other members to be appointed by the state superintendent of education, two (2) representing the elementary schools and two (2) representing the high schools. All library books provided for under this section shall be selected from an approved list to be furnished the state school book commission by the said library committee. *Provided*, further, that any county or school district having their own rental or free textbook system shall be entitled to receive all benefits under the rental library provisions of this section * * *. [1939 (41) 1]

Sec. 5423 **State and county aid for school libraries.** Whenever the friends and patrons of a public school raise, from public subscription or otherwise, a sum of not less than five (\$5 00) dollars nor more than twenty-five (\$25.00) dollars, and deposit same with the county treasurer to the

credit of their school district, the county board of education, through the county superintendent of education, shall credit such district with an equal amount, to be drawn from the county board fund, or if the said county board fund has been exhausted, to be drawn from the general school fund of the county. The county superintendent shall then make application to the State Superintendent for an amount equal to the sum raised, by private subscription or otherwise, and deposit with the county treasurer. All the money resulting from private subscription or otherwise, from county funds, or from State funds, shall be held in the county treasury to the credit of the school district and shall be paid out upon the warrant of the board of school district trustees, duly approved and countersigned by the county superintendent of education: Provided, That nothing herein shall prevent other funds greater than those mentioned herein being raised by private subscription and applied by the county superintendent of education to the purposes as herein set forth. [L 1919, XXXI, 150]

Sec. 5424 Disbursement of funds. The funds provided under the above section shall be expended only for the establishment of a library, for the enlargement of a library, or for the purchase of supplementary readers to be kept in the school library. Any free public school in this State shall be entitled to participate in this fund not more than once during any fiscal year. The State Board of Education shall select and publish a list of library books, and also a list of supplementary readers, and shall make all necessary rules and regulations concerning the use and care of libraries. The trustees or teachers of any school receiving the benefits of this article shall file, both with the county superintendent of education and with the State Superintendent of Education, a correct and legible list of books purchased [1919, XXI, 150]

Sec 5492 State aid for purchase of bookcases. Any school planning to establish a library and needing a bookcase, may secure twelve and 50-100 (\$12.50) dollars from the State for the purchase of said bookcase, whenever the friends and patrons of such school raise, from private subscription or otherwise, and deposit with the county treasurer twelve and 50-100 (\$12 50) dollars to the credit of their school district. But no school shall be entitled to a second payment of State aid for the purchase of bookcases except after a full and satisfactory showing, in writing, has been made to the State Superintendent [1919, XXXI, 150.]

Subsection 52. Library standards for South Carolina high schools.

1 Books and periodicals.

I Each accredited high school must have five library books per pupil exclusive of government documents and textbooks. No accredited school may have fewer than 500 books and no school shall be required to have more than 5000 books. All books up to 85% of the minimum required number must be selected from the following lists: The High School Library List contained in the Library Catalog of the South Carolina Education As-

sociation; 1000 Books for the Senior High School Library, The American Library Association, Chicago, Illinois; The Standard Catalog for High School Libraries, The H. W. Wilson Company, New York, Abridged High School Catalog, The H. W. Wilson Company, New York; and such other lists as the State Board of Education shall from time to time approve. These books should be distributed as follows:

General Reference	6-10
Social Science	10-14
Science	6-10
Useful Arts	4-8
Fine Arts	3-7
Literature	10-18
Geography and Travel	3-7
History and Biography	15-25
Fiction	20-25

2. Periodicals and newspapers.

- (a) For schools having enrollments of 100 or fewer pupils—one daily newspaper and from 5 to 10 periodicals selected from the list covered by the Abridged Readers Guide to Periodical Literature
- (b) For schools having enrollments from 101 to 200 pupils—one daily newspaper and from 8 to 15 periodicals selected from the Abridged Readers Guide to Periodical Literature.
- (c) For schools enrolling more than 200 pupils—two newspapers and one periodical for each 20 pupils up to a maximum of 20 periodicals.
- (d) For all schools—a subscription to the Readers Guide to Periodical Literature or to the Abridged Readers Guide to Periodical Literature.

II. **Appropriation.** Each accredited high school shall appropriate and spend annually for books, periodicals, etc., exclusive of salaries, \$1 00 per pupil for the first 300 pupils, \$75 per pupil for the second 300 pupils and \$50 per pupil for each pupil in excess of 600 pupils.

III. Librarian.

1 **For schools having enrollments of 100 or fewer pupils.** A teacher-librarian with at least 6 semester hours in library science in an approved library school devoting not fewer than two class periods per day to library service.

2 **Enrollment of from 101 to 200 pupils.** Teacher-librarian with at least 12 semester hours in library science in an approved library school devoting not fewer than three class periods a day to library service

3 **Enrollment of 201 to 400 pupils.** Teacher-librarian with at least 18 semester hours of library science in an approved library school devoting not fewer than four periods a day to library service.

4. **Enrollment of 400 or more pupils.** Full-time librarian with same qualifications and educational background as teachers including 24-30 semester hours in an approved library school.

5. Schools employing teacher-librarians must keep the library open all day under supervision, using student help or study hall teachers. The teacher-librarian should be responsible for training all library assistants.

IV. **Organization.** All school libraries shall keep an accurate accession record, shall have a shelf list, a card catalog, and an adequate loan system.

V. **Course in use of library.** In each accredited high school the teacher-librarian or the librarian shall give to each pupil, preferably in the first year of high school, a minimum of six lessons in the use of the library.

VI. **Housing and equipment.** Libraries may be housed either in library-study hall rooms or in special library rooms. Special library rooms must be equipped with tables, chairs, shelves, loan desk, magazine rack, bulletin board, catalog case, vertical files, typewriter and other essential office furniture. The room should be large enough to accommodate one-tenth of the high school enrollment, allowing 25 square feet of floor area per person. The library-study hall should have the same equipment as the special library room except that desk or tablet-arm chairs may be substituted for tables and chairs.

VII. **Standards become effective.** These standards shall become effective July 1, 1937. Schools that do not at that time have the minimum number of books required shall add to their school book collection each year not less than one-third of the difference between the number of books in the library as of July 1st, 1937, and the number required under these standards. Librarian and teacher-librarian must have a minimum of 6 semester hours in library science in 1937-1938. Each year a minimum of 6 additional hours will be required; and the standards relating to training of librarians must be met in full by each school in 1940-1941.

VIII. **Function.** For purposes of accreditation of schools, the functioning of the library shall be given equal weight with the quantitative standards set up in the preceding sections of these library standards. [Filed, secretary state's office—April 21, 1937.]

(2) LIBRARY BONDS

(South Carolina Code, 1932, v.2, p 1177, s 5362)

Sec. 5362. **How bonds shall be sold; special tax levy.** If a majority of the votes cast at such election shall be for the issuing of bonds, such trustees shall issue such bonds, which shall run not longer than twenty years from date of issue thereof, which shall be sold by such trustees at not less than par, and the proceeds of which shall be used by such trustees for the purpose of erecting public school and library buildings, and for equipment for maintaining public schools and libraries in such school district, or for

paying indebtedness of such school district; and such bonds and coupons of same shall constitute a lien upon the property, real and personal, within the limits of such school district, a sum sufficient to pay the interest on such bonds, and also a sum sufficient to provide a sinking fund for the payment of such bonds when due, and the coupons thereof shall be received for school taxes upon property within such school district, Provided, That the limitation contained in the following words of this section, to wit, which shall be sold by said trustees at not less than par, shall not apply to school bonds voted and proposed to be issued by the trustees of the school district of the city of Greenville under Act No 773, approved February 20, 1920, but that said trustees are hereby authorized to sell said bonds at such discount as will realize to the purchaser not more than six per cent interest per annum upon his investment, and that said limitation shall not apply to school bonds voted and proposed to be issued by the school trustees of school district 3-B under Act No 774, approved March 12, 1920, but that said trustees be, and they are hereby, authorized to sell said bonds at such discount as will realize to the purchaser not more than seven per cent interest per annum upon his investment [L 1928, 35, 1211]

J. LAW LIBRARIES (GREENVILLE CO.)

(South Carolina Acts, 1936, p 1405-1407, Act 731, s 1-6)

Sec 1 Court Library Commission, Greenville county; appointment; terms; vacancies. Be it enacted by the General Assembly of the State of South Carolina That there is hereby created a Greenville Court Library Commission, to be known as the Court Library Commission of Greenville County, which shall be composed of five members, consisting of the resident Circuit Judge of the 13th Judicial Circuit, and the Judge of Greenville County Court, who shall be ex-officio members of said Commission, the remaining three shall be practicing members of the Greenville Bar Association in good standing, who shall be appointed by the Governor upon recommendation of a majority of the members of said Association duly assembled at its annual meeting of said Association for the election of officers The first Commissioners shall be appointed for a term of one, two and three years respectively. Thereafter Commissioners shall be appointed for a term of three years, and shall hold office until their successors have been appointed and qualified. Vacancies shall be filled in the same manner. All Commissioners shall serve without pay and shall be eligible for reappointment.

Sec. 2. Organize; meetings; powers and duties. As soon as convenient after the appointment of its members said Commission shall organize by the election of the Chairman and Treasurer and such other officers as may be deemed expedient Thereafter said Commission shall hold regular meetings at least twice a year and special meetings at the call of its Chairman or a majority of its members. Said Commission shall be vested with com-

plete and exclusive control of the Greenville Court Library and shall maintain said Library for the use and benefit of all courts of Greenville County and the Judges thereof, including all visiting judges, the officials of Greenville County and all subdivisions thereof, including the City of Greenville, and in addition thereto, for the members of the Greenville Bar Association as hereinafter provided. Said Commission shall make and promulgate such rules, regulations and orders providing for the use, management, control and operation of said Library as it may deem proper and advisable. It shall have the right to receive, deposit and disburse funds; to accept donations of books, funds and other property for the use and benefit of said Library, to dispose of books and other equipment deemed unnecessary or obsolete, to purchase books and other necessary material and to make any expenditures which it may deem reasonable and necessary for the proper upkeep and orderly management of said Library, provided no purchases or expenditures shall be made unless there are on hand sufficient funds for the payment thereof. It shall be the duty of said Commission to make annual reports to the Greenville Bar Association on the conduct of said Library, including a detailed statement as to the receipt and disbursement of funds. Said Library shall be housed by the County of Greenville and until a more suitable location can be obtained said Commission shall place the same with the Greenville County Library to be maintained as a separate library unit.

Sec. 3 Members of Greenville bar association use library; pay annual charge and fines. The Commission is authorized and directed to frame rules and regulations permitting the use of said Library by the members of the Greenville Bar Association who are in good standing. One of said regulations shall require the payment of a reasonable annual charge to be determined by the Commission, and no member of the Bar shall be permitted to use said Library until this had been paid. The Commission shall have the right and power to fix and assess fines for violation of the rules and regulations promulgated for the operation of said Library and may deny the use thereof to any member of the Bar failing to comply therewith. All funds derived from this Section shall be used by the Commission for the purchase of books, legal periodicals, and other necessary library supplies and equipment. Any balance may be used toward operating expenses of the library.

Sec. 4 Tax on judgments to support library. There shall be taxed by the Clerk of Court of Greenville County in each case on which judgment is entered in the office of the Clerk of Court for Greenville County from any court the sum of One (\$1.00) Dollar, which shall be collected at the time of the entry of said judgment by the Clerk of Court for Greenville County, and the accumulated funds therefrom shall be paid quarterly by the said Clerk of Court to the Greenville Court Library Commission, which funds shall be used by said Commission in providing for the expense of the operation of said Library.

Sec. 5. **Saving clause.** That if any part, portion, clause or provision of this Act, or any of its subsections, shall be declared invalid, such invalidity shall in nowise effect the remainder of said Act.

Sec. 6. This Act shall take effect upon its approval by the Governor.
Approved the 4th day of April, 1936.

K. PROTECTION OF LIBRARY PROPERTY

(South Carolina Code, 1932, v.1, p.684, s.1196)

Sec. 1196. **Embezzling, stealing, defacing or damaging books, etc., a misdemeanor.** Any person wilfully embezzling, stealing, defacing, damaging or in any manner mutilating or destroying while in his possession or in the custody of the State librarian, any book, document, or other property, confided to the safekeeping of the State librarian, or any person wilfully violating any of the rules and regulations prescribed by the board of trustees for the management of the State library, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding thirty days. The said board of trustees are hereby charged with the enforcement of this section. All fines when collected shall be paid into the State library fund and shall be expended for the increase of the State library. [L 1898, XXII, 764.]

L. TAX EXEMPTION

(South Carolina Code, 1932, v 1, p 1135, Constitution, Art 10, s.4.)

SOUTH DAKOTA

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A. STATE HISTORICAL SOCIETY

(South Dakota Code 1939, v.1, p 1183-1187, 1193, s.29 0101-29 0125, 29.0402.)

Sec. 29.0101. Department continued. The Department of History heretofore established in this state shall continue as such. [s.9856 Rev. Code 1919.]

Sec. 29.0102. Purpose and duties of Department. It shall be the duty of such Department to collect, preserve, exhibit, and publish material for the study of history, especially the history of this and adjacent states; and to this end to explore the archaeology of the region; acquire documents and manuscripts; obtain narratives and records of pioneers; conduct a library of historical reference; maintain a gallery of historical portraiture, and an ethnological and historical museum; publish and otherwise diffuse information relating to the history of the region and in general encourage and develop within the state the study of history.

It shall also perform such other duties as are now or may hereafter be imposed upon it by law [s 9857 Rev Code 1919]

Sec. 29.0103. Administration. The administration of such Department shall be vested in the State Historical Society, as organized and now existing, its officers and members and their duly qualified successors. [s.9858 Rev. Code 1919.]

Sec. 29.0104. State Historical Society: members; classification; auxiliary societies, reports. Such Historical Society shall be composed of life, annual, honorary, corresponding, and auxiliary members.

Members may be chosen by the executive committee of the Society at any regular or special meeting thereof.

Any society of this state organized for the purpose of gathering and preserving facts relative to the history of the state or any portion thereof may become an auxiliary member of the State Historical Society upon applica-

tion, and may be represented at all regular meetings of such Society by one member. Such auxiliary society shall make an annual report to the State Historical Society to entitle it to such representation. [s.9859 Rev. Code 1919.]

Sec. 29.0105 Membership fee. The fees for membership shall be as follows: for a life membership, ten dollars; for an annual membership, two dollars. Fees for memberships shall be paid within one month after notice of election, and annual members may at any time become life members by paying the requisite fees. [s.9860 Rev. Code 1919.]

Sec. 29.0106. Membership rights and privileges: voting; holding office. Except as otherwise specially provided, only life and annual members shall hold office in such Society, and the right to vote and take part in its proceedings shall be possessed only by life and annual members and delegates from auxiliary societies. [s.9861 Rev. Code 1919.]

Sec. 29.0107 Meetings: time and place; elections. The principal business of the Society shall be transacted at the capitol of the state, and the meetings for the election of trustees shall be held at the capitol on the third Wednesday in January, biennially, during the regular session of the Legislature, and the Superintendent of the capitol shall provide suitable quarters for the accommodation of the Society therein. [s.9863 Rev. Code 1919.]

Sec. 29.0108 Special meetings: called by president and secretary; request of executive committee. Special meetings of the Society may be held from time to time as required upon call of the president and secretary, and such meetings shall be called by the secretary upon the written request of five members of the executive committee. [s.9864 Rev. Code 1919.]

Sec. 29.0109 Quorum. At any meeting of the Society, regular or special, not less than ten members having the right to vote shall constitute a quorum. [Part of s.9865 Rev. Code 1919, revised, for separate statement of independent subject matter.]

Sec. 29.0110 Fiscal year. The fiscal year of the Society shall begin on the first day of July and end on the thirtieth day of June of each year. [Part of s.9856 Rev. Code 1919, revised for separate statement of independent subject matter.]

Sec. 29.0111. By-laws. The executive committee may adopt such by-laws for the government of the Society as are not inconsistent with the laws of this state. [s.9880 Rev. Code 1919.]

Sec. 29.0112 Trustee of state: Historical Society declared to be; holds property and handles funds accordingly. Such Society shall be the trustee of the state for the purpose stated in section 29.0102 and as such shall faithfully expend and apply all money received from the state to the uses and purposes directed by law, and shall hold all its collections and property for the state, and shall not sell, mortgage, transfer, or in any manner dispose of or remove the same from the rooms provided by the state for the

accommodation of the Society without authority of law or the consent of the Legislature

This section shall not prevent the sale or exchange of any duplicates which the Society may have or obtain [s 9862 Rev Code 1919, revised in form only.]

Sec. 29 0113. Trustees of Society; executive committee: number, state officials ex officio members; powers; quorum; terms of office; vacancies; committee's powers. There shall be eleven trustees who together with the secretary of the Society, the Governor, Secretary of the State, and State Auditor shall constitute an executive committee in which shall be vested full power of administration of the affairs of the Society A majority of the executive committee shall constitute a quorum

The members of the board of trustees shall be elected for six years The trustees shall be divided into three classes, the first class consisting of three, the second of four, and the third of four, one of which classes shall be elected at each regular biennial meeting of the Society Each trustee shall continue in office until his successor is duly elected and qualified

Vacancies in such board, caused by death, resignation, or removal from the state, may be filled by the executive committee

The executive committee may appoint subcommittees of its own number which, subject to revision by the executive committee, may exercise such powers as are intrusted to them, respecting subjects for which they are especially appointed [ss 9866, 9867, and 9879 Rev Code 1919, revised in form only and combined to unite related subject matter]

Sec 29 0114 Meetings of executive committee: regular; special; time and place. Regular meetings of the executive committee shall be held at the rooms of the Society on the second Wednesday of each month, and special meetings may be held at any time upon the call of the president or secretary, and the secretary shall call such meetings upon the request of five members of the committee [s 9871 Rev Code 1919]

Sec 29 0115 Committees: general duties and powers; removal of officers The executive committee shall manage, administer, and control the disposition of the money, property and effects, and affairs of the Society, and direct the officers thereof under such limitations as are prescribed by law.

Any officer may be removed from office by the executive committee for disability, incompetency, misconduct, or other cause At least five days before the meeting at which such action is taken, notice in writing that such action will be moved or applied for must be served upon such officer in the same manner as a summons in a court of record is served in this state, a like notice to be served on every member of the executive committee, either personally or by mail, at least five days before the date of such meeting No motion to remove an officer shall prevail unless carried

by a two-thirds vote of the executive committee. [s.9878 Rev. Code 1919, revised in form only.]

Sec. 29.0116. Officers: president and vice president; election; terms; vacancies. There shall be elected biennially, by the executive committee, at the close of the regular meeting of the Society, a president and vice president, who shall hold their respective offices for a term of two years and until their successors are duly chosen.

Upon the death, resignation, or removal from office of any officer, the vacancy may be filled for the time being by the executive committee at any regular or special meeting thereof. [ss.9868 and 9870 Rev. Code 1919, combined to unite connected subject matter.]

Sec. 29.0117. Officers: general specifications of duties. All officers shall perform duties as may from time to time be imposed or required by the executive committee or by law. [s.9876 Rev. Code 1919, revised in form only.]

Sec. 29.0118. Compensation of officers and employees. The compensation of the officers and employees of the Society shall be fixed by the executive committee and shall be paid by the treasurer, under such rules as may be prescribed in the by-laws of the Society or by law. [s.9877 Rev. Code 1919.]

Sec. 29.0119. President and vice president: duties. The duties of the president shall be to preside at all meetings of the Society and of the executive committee, and to sign all deeds, releases, and conveyances executed by the Society.

The duties of the vice president shall be to discharge the duties of the president in the event of his absence or inability to act from any cause. [ss.9872 and 9873 Rev. Code 1919, combined to unite related subject matter.]

Sec. 29.0120. Secretary: office continued; subject to removal. The secretary of the Society shall hold office at the pleasure of the executive committee, subject to removal as provided in this chapter. [s.9869 Rev. Code 1919, revised in form only.]

Sec. 29.0121. Secretary: ex officio Superintendent of Department; State Librarian; director of census; other duties; oath; bond; compensation. The Secretary of the State Historical Society shall by virtue of his office be Superintendent of the Department of History, State Librarian, and director of the state census, and shall perform all other duties provided by law.

Other duties of the secretary shall be to countersign all deeds, releases, and conveyances executed by the Society, and to affix the seal of the Society thereto, and to such other papers as shall be required or directed to be sealed; to keep a record of the proceedings of the society and of the executive committee, safely and systematically to keep all papers, records,

and documents belonging to the Society or appertaining to the business thereof, except such as may be committed to the care of other officers; to conduct the correspondence of the Society; to edit and supervise its publications, and generally so far as required, always subject to the direction of the executive committee, to administer the several activities of the Society.

He shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state and faithfully to discharge the duties of this office. He shall give a bond to the state of South Dakota in the sum of five thousand dollars, conditioned that he will faithfully and impartially discharge the duties of his office and render a true account of all money, credits, accounts, and property of any kind that shall come into his hands as such officer and pay over and deliver the same according to law.

He shall receive an annual salary of three thousand four hundred dollars which shall be in full compensation for all services rendered by him to the state. [s 1, ch 114, 1939.]

Sec. 29 0122. Treasurer; State Treasurer ex officio; duties. The State Treasurer shall be treasurer of the Society and it shall be his duty to receive and keep in his care and custody all money, securities for money, and such other property of the Society as shall be committed to his charge by the executive committee; to invest the capital of the special funds in his hands as shall be authorized by the executive committee, to pay out such funds as he shall be authorized to pay; to render from time to time, to the Society, statements in writing of the sums of money by him received and from what source received, of the sums by him disbursed and for what purpose, with proper vouchers accompanying the same; and of money, securities, and property in his possession; and generally of all matters pertaining to his office, as treasurer of such Society, concerning which information may be desired [s 9875 Rev Code 1919]

Sec. 29 0123. Funds of Society: custody and disbursement All money collected by the Society or any officer thereof for life or annual membership fees, from the sale of duplicates, from gifts or bequests, or from any other source shall be paid into the treasury and shall be kept by the treasurer as a separate fund, to be invested or paid out on proper vouchers as directed by the executive committee. [s 9881 Rev Code 1919]

Sec 29.0124. Report of Society; biennial; disposition; duties of secretary. The secretary of the Society shall biennially make a report to the Governor of the transactions and collections of the Society. The report shall not exceed six hundred pages. It shall be printed as provided by law and copies thereof exchanged for similar publications and sold to the general public as the secretary may determine. [s.9882 Rev. Code 1919, revised for clarification and to eliminate obsolete material.]

Sec 29.0125. Exchanges of reports and publications: authority of Society. Except as otherwise specially provided, one hundred copies of each of the official reports and other publications of the state shall be provided for the use of the State Historical Society, to be used in exchange with other states and individuals [s 9883 Rev Code 1919.]

Sec 29.0402 World War; history and record; supervision and custody State Historical Society. The completion, compilation, and publication of the history of the participation of South Dakota men and women in the World War shall continue under the supervision of the State Historical Society

All records and manuscripts relating to the same shall remain in the custody of such Society

There shall be printed under the direction of the Department of Purchasing and Printing in the same manner as the printing of other state reports, one thousand copies of such history when completed.

B. STATE LIBRARY COMMISSION

(South Dakota Code, 1939, v 1, p 1190-1192, s 29.0301 to 29.0311, as amended by 1941 Laws, ch 138)

Sec 29.0301 State Library Commission: membership; appointments; terms. The State Library Commission, heretofore created, shall continue to consist of the Governor, the Superintendent of Public Instruction, the State Librarian, and two additional members to be appointed by the Governor whose term of office shall be three years. Such additional members shall be appointed, one from nominations made by the State Library Association and one from nominations made by the State Federation of Women's Clubs. On or before the first day of January of each year in which an expiration of the term of any member of the state library commission occurs, the State Library Association and the State Federation of Women's Clubs shall file with the Governor the names of three members from which the successor to such member may be chosen [Rev C 1919, s.9914]

29.0302 Officers: President; secretary; meetings; offices. The Superintendent of Public Instruction shall be president of such Commission and the Director of the State Free Library Commission shall be the secretary thereof

The State Free Library Commission shall hold two regular meetings each year, one of which shall be held in January, the other in July at the beginning of the fiscal year. Special meetings may be called whenever deemed necessary by the Director and two other members of the State Library Commission. Actual or necessary expenses incurred by members in attending meetings shall be paid from the State Free Library Commission funds

The State Free Library Commission shall maintain its office in the Commission Library at the capitol [Laws 1941, ch 138]

29.0303. Duties and powers of Commission and Director of the State Free Library Commission. It shall be the duty of the State Free Library Commission and it shall have authority:

(1) To supervise the Commission Library and make rules and regulations under which the books, documents, and manuscripts therein may be used by the public. It may accept gifts of books, money or property for the use of the Commission Library and it shall select and purchase books therefor from any funds available for the purpose,

(2) To appoint a Director of the State Free Library Commission, fix the salary of said Director, designate her or his duties, and to approve the appointment, term of office and compensation of such assistants and clerical help as are recommended by the Director of the State Free Library Commission

(3) To arrange, in suitable packages for shipment, properly selected and classified collections of books and pictures secured through purchase or gift, to be loaned to public libraries, traveling library associations, study clubs, farmer's clubs, charitable and penal institutions, and to individuals under such conditions and restrictions as shall make them the greatest good to the greatest number, provided that such beneficiaries of such traveling libraries and collections shall give to the State Free Library Commission good and sufficient guaranty for the safekeeping and return of such books and the payment of all transportation charges thereon,

(4) To establish at the Commission Library a clearing house for periodicals whereby public libraries, institutions, and individuals may exchange periodical publications, provided that the State Free Library Commission shall not incur any expense for the transportation of such periodicals as are not required for use in the Commission Library;

(5) To incorporate into the Commission Library annually the miscellaneous books in the Department of Public Instruction not required in the administration of such department and to designate such copies of the same as shall be retained in the Commission Library for reference purposes and such as may be employed in the traveling libraries;

(6) To render upon request assistance to county and city superintendents of schools and to county and city school library boards in the selection of books and in the organization of school libraries,

(7) To render advice and assistance to communities which may purpose to establish public libraries and to encourage the establishment of the same, and it may prescribe approved methods for conducting the same and may send an assistant to any such community to assist in the establishment of such library and the selection of books therefor and may publish blanks for the purpose of securing uniform library accounting and reports

(8) The State Free Library Commission is designated as the State agency to apply to and receive from the federal government or any agency thereof such funds as are granted or allotted for promoting library service

as now or hereafter may be available to the state of South Dakota or any political subdivision or agencies. To these ends and purposes the State Free Library Commission is authorized, directed and empowered:

- (a) To disburse or supervise the disbursement of all funds made available at any time by the federal government or state of South Dakota for such purposes.
- (b) To adopt, carry out and administer a plan or plans for any such purposes. Such plan or plans so adopted shall be made statewide in application insofar as reasonably feasible, possible or permissible, and shall be so devised as to meet the approval of the federal government or any of its agencies, not contrary or inconsistent with the laws of the state
- (c) To provide that all appointments of personnel in the State Free Library Commission administrative agency shall be based on merit and efficiency.
- (d) To make such other rules and regulations as may be necessary for the administration and execution of this section

All libraries and other organizations participating in the benefits of any federal grant or grants for promoting library service shall make monthly reports to the State Free Library Commission of money or other property received for these purposes, and the disposition made of same.

The State Free Library Commission shall make such reports to the designated government official, with respect to the expenditure of the funds received from the federal government for these purposes, and the progress of library service provided by such funds, in such form and containing such information as the official may desire.

(9) The Director of the State Free Library Commission shall be a graduate of an accredited library school with at least two years of successful administrative experience

The Director of the State Free Library Commission shall record the proceedings of the State Free Library Commission, keep an accurate account of the financial transactions, and perform such other duties as said commission may assign, shall be authorized to approve the vouchers for all expenditures made in connection with the State Free Library Commission countersigned by the President of the State Free Library Commission.

It shall be the duty of the Director of the State Free Library Commission to execute the statutory provisions as set forth in this section.

Section 3 That wherever the words "State Library Commission" or "Free Library Commission" appear in Chapter 29.03 of the South Dakota Code of 1939 it shall be deemed to be "State Free Library Commission." [Laws 1941, ch.138.]

Sec. 29 0304. Records, catalogues, and reports; kept and made by the Commission, biennial report; limitation. The State Library Commission

shall keep a substantial record of all its transactions and of the books and collections sent out through the traveling libraries, and shall make a biennial report of its proceedings to the Governor, at the time and in the manner provided by sections 6922 and 7067, which report shall not exceed twenty-four pages in extent and shall be printed as are the reports of other officers and departments. [Rev. C. 1919, s.9917.]

Sec. 29.0305. Contents of State Library: general specifications The State Library shall continue to consist of the books, papers, and documents now in the custody of and hereafter collected by the State Historical Society. [Rev. c 1919, s 9919]

Sec. 29.0306. Legislative reference division: required maintenance; contents. The State Librarian shall maintain in the State Library a division of legislative reference, in which he shall provide the reports of the various officers and boards of this state, and as far as may be of other states and such other material upon economic and sociological subjects as he may be able to provide and shall index and classify the same and make the information therein available for the use of the state Legislature, and shall, as required, provide such information for the use of members of the Legislature, assist in drafting bills, and in every reasonable way make the division useful in the preparation of legislation. The various departments, officers, and boards shall provide copies of their reports and publications for the legislative division of the State Library, and the Secretary of State is directed to supply to the same a complete set of the statutes and session laws of the state and of the reports of the Supreme Court [Rev. c.1919, s 9922, 9923.]

Sec 29.0307. Surplus reports of state departments: deposit in State Library; sale or exchange authorized; use of funds; purchase of library books. All surplus reports of state officers and departments shall be placed in such library; provided that each officer and department shall determine if any reports of such office or department can be spared as surplus for the purpose

The Librarian may sell or exchange any of such reports or other duplicate works which may come into the possession of the State Library. The proceeds of the sale of such books and documents shall be paid into the State Treasury and shall be paid out only upon the warrant of the State Auditor for additions to such library for binding documents and publications or rebinding books in need of repair.

The Librarian may from time to time buy such books and publications as he may deem desirable for such Library from any funds available for such purpose. [Rev. C. 1919, s.9921.]

Sec. 29.0308. Newspaper publications; filed with Department; certified copies of legal notices; admission and effect in evidence; entitled to record. A copy of any legal notice published in any newspaper printed in the territory of Dakota or the state of South Dakota, in the custody of the

Department of History, duly certified by any executive officer thereof under the seal of the Department of History, which certificate shall recite that the original files of such newspaper for all of the period for which such legal notice appeared therein are in the possession of the Department of History and shall state the number of publications which such legal notice received and the dates upon which each appeared in such newspaper, shall be accepted in any action or proceeding in this state as proof of service of such legal notice, with the same force and effect as the original printer's affidavit of the printing of such notice. Such copy of such legal notice so certified shall be entitled to record in the office of the register of deeds [Rev. C. 1919, s 9925]

Sec. 29.0309. Certified copies: any paper, document, or advertisement in custody of Department of History; admissability in evidence. A duly certified copy of any paper or document, article, or advertisement in the custody of the Department of History made by any executive officer thereof under the seal of such Department may be accepted as prima facie evidence of the contents thereof in any court or proceeding in this state [Rev. C 1919, s 9924]

Sec. 29.0310 Fees for copies: amount; funds used for state historical purposes. For making copies of any such paper, advertisement, legal notice, or document, the Department of History shall charge one cent for every ten words, and for every certificate thereto the sum of fifty cents, and all fees for copies and certificates so made shall be paid into the State Treasury and credited to the State Historical Society Fund. In case of death certificates requested or required in pension cases by widows of soldiers serving in the War of the Rebellion, the Spanish-American War, or the War with Germany and Austria-Hungary, the same shall be furnished upon request and free of charge by the Department of History, if in custody of such Department [Rev C 1919, s 9926]

Sec. 29.0311 Free use of libraries by public. The use by the public of all libraries established and maintained by the state, counties, townships, cities, towns, and schools under the provisions of this Code, subject to such reasonable rules and regulations as may be prescribed by the authorized commission or board in charge of such libraries shall be free except as otherwise expressly provided by law [Rev C 1919, s 9918]

C. SUPREME COURT LIBRARY

(South Dakota Rev Code 1939, v 2, p 119, s 32.0311)

Sec. 32.0311 Supreme Court Library: content; control and supervision. The Supreme Court Library shall consist of all constitutions, statutes, session laws, court reports, digests, textbooks and other legal publications now owned by the state and under the control of the Judges of the Supreme Court, or which may hereafter be acquired by purchase, exchange, or otherwise

The Supreme Court Library shall be under the exclusive control and supervision of the Judges of the Supreme Court who are hereby authorized to make such rules and regulations regarding its use as they may deem proper [Rev C 1919, s 5160.]

D. UNIVERSITY OF SOUTH DAKOTA LIBRARIES

(South Dakota Rev Code 1939, v 1, p 665, s 15 1102)

Sec 15 1102 **Expenditure of appropriation: Regents control; equipment, libraries, instruction facilities.** The Board of Regents is authorized to expend so much of the money appropriated for the University as it may deem expedient in the purchase of apparatus, libraries, and cabinets of natural history, in providing suitable means to keep and preserve the same, and in procuring all other necessary facilities for giving instruction. [Rev. C 1919, s 5592]

E. COUNTY LIBRARIES

(South Dakota Rev Code 1939, v 1, p 426-428, s 12 2501 to 12 2505)

Sec 12 2501 **Free libraries: petition for establishment; number and qualifications of signers; duty to establish and levy tax.** When a petition is filed with the county auditor of any county in this state signed by at least forty per cent of the legal voters of such county, as shown by the vote cast for the Governor at the last general election therein, which petition shall be signed in at least sixty per cent of the taxing districts of such county affected thereby, requesting that the board of county commissioners establish a free library for such county, the said board is authorized and is directed to establish such library, and in case a library is so established the county commissioners shall levy a suitable tax to maintain the same. [1921, ch 163, s 1]

Sec 12 2502 **Trustees for county library: appointment; terms; qualification; powers; no compensation; secretary.** If there is no free public library in such county suitable or available for use as a central library of the county system, the board of county commissioners, upon the filing of such a petition, shall appoint a board of county public library trustees consisting of five competent citizens, two of whom shall be women and not more than one of whom shall be a member of the appointing board. One of said trustees shall be appointed for one year, two for two years, and two for three years, and annually thereafter or whenever a vacancy may occur, for a term of three years, respectively, or until their successors are appointed and qualified

Such county library trustees shall qualify within ten days after their appointment by taking, subscribing, and filing with the county auditor of such county an oath that they will support the Constitution of the United States and of this state, and that he or she will faithfully and impartially to the best of his or her knowledge and ability perform all the duties of county public library trustee The said board of county public

library trustees shall exercise such powers in establishing, regulating, and maintaining a free public library as are given to them by this chapter.

Such county public library trustees shall receive no compensation for their services as such trustees.

The county librarian shall be the secretary of such board of county library trustees. [1921 ch.163, s 2-3.]

Sec. 12.2503. Duties of library trustees: provide library accommodations; selection of reading material; acceptance of gifts; appointment of librarian; rules and regulations for selection of material. It shall be the duty of the county public library trustees to provide suitable accommodations for the free public library and for the accommodations of the public in using the same. They shall select books, papers, and periodicals for such county free public library and they may exclude from such library any reading matter they may deem harmful; they may accept gifts of books, money, or property for the use and benefit of such public library.

They shall appoint a librarian and other persons necessary for the care of such library and fix their compensation. Any librarian so appointed shall have the qualifications and training as shall be approved by the State Library Commission.

The county public library trustees shall make all necessary rules and regulations pertaining to the use and selection of the books and periodicals of said library and shall determine what books may be circulated and what shall be retained in the library for reference purposes only, and they may provide for the circulation of the books in the rural communities of such county, and said public library trustees shall have the power to place certain books upon a pay shelf for which a reasonable charge may be made for the use thereof [s.4, ch 163, 1921.]

12.2504 Expenses of county library: annual estimate by trustees; tax levy; limitations; county library fund; disbursements from; taxing districts maintaining free public libraries exempted from county tax. On or before the first day of August of each year the county public library trustees shall make careful estimate of the necessary expenses for the maintenance and extension of the county free public library for the ensuing year and shall certify the same to the board of county commissioners of the county in which the library is located.

The said board of county commissioners shall levy a tax upon the taxable property of the county sufficient therefor, but not to exceed in any one year a rate of one-half of one mill upon the taxable property of such county which taxes shall be extended and collected as are other taxes, and when collected shall be credited to the county library fund and the cost of maintenance and extension of such county free library shall be paid therefrom, which fund shall be paid out upon warrants drawn by the county auditor of the county based upon vouchers filed by the board of county public library trustees.

In making the levy of taxes for the support of county free library by the board of county commissioners, it shall omit from such levy any taxing district that may at the time of making such levy be maintaining a free public library by revenue derived from taxes in such taxing district and residents of any taxing districts so omitted shall be entitled to the benefits of such county library only by complying with such rules and regulations as may be made by the public library trustees and by payment of such fees and charges as may be required by such rules [5, Ch 163, 1921]

12.2505 Existing free libraries: county may take over care and control; county may contract for free library service to residents of county; county may appoint library trustees regardless of existence of other libraries; annual report of county library trustees; filing required. In counties where there are one or more free libraries, the board of county commissioners may take over the care and control of the same upon such terms and conditions as may be agreed upon by and between such board of county commissioners and the then existing board of library trustees of such libraries. The board of county commissioners may contract with the library board of such county for free service to all residents of the county upon such terms as may be agreed upon between such commissioners and the library board for a term of five years to be thereafter renewed, if terms can be agreed upon, for terms of not less than five nor more than ten years. Where there is more than one such free public library in the county, the board of county commissioners may contract with each of such library boards for such free service if in its judgment advisable.

In case the board of county commissioners and said library board of such city, town, or township are not able to agree upon terms satisfactory to both, the board of county commissioners shall in any event proceed to appoint a board of county public library trustees as hereinbefore provided.

In case twenty per cent or more of the cost of maintaining any such library thus contracted with shall be borne by the county, then there shall be two members added to such board of library trustees to be appointed by the county commissioners of the county to act upon county affairs in connection therewith

It shall be the duty of the county public library trustees, or the public library trustees contracted with as hereinbefore provided, on or before the first day of August in each year to make a report in duplicate, filing one with the board of county commissioners and the other with the Free Library Commission upon blanks provided by the Free Library Commission for such purpose, which report shall be for the fiscal year ending June thirtieth next preceding such report; provided, however, that in counties where the county commissioners contract with the library board, then and in that event, such report shall be made in triplicate, the additional copy to be filed with the body appointing such board. [s.6, 7, ch.163, 1921.]

F. MUNICIPAL AND TOWNSHIP LIBRARIES

(South Dakota Rev Code, 1939, v 3, p 350-352, s.45 3101-45 3108)

45 3101. Establishment: petition; vote of electors; appointment of trustees. Whenever five per cent of the legal voters of any municipality, as shown by the vote at the last preceding general election therein, shall petition the governing body of such municipality so to do, such governing body shall, at the next municipal election, or at a general election held therein, if such general election shall precede the next municipal election, submit to a vote therein the question of establishment of a free public library in such municipality, and if a majority of the votes cast upon such question is in favor of the establishment of such free public library, the mayor or president of the board of trustees of such municipality shall forthwith appoint a board of public library trustees, as provided in section 45 3102 [s 9934 Rev Code 1919]

45 3102 Trustees: appointment. Such board of trustees shall consist of five competent citizens, two of whom must be women, and not more than one of whom shall be a member of such governing body, and the appointments must be confirmed by such governing body. Such board shall be known as the public library trustees. One of such trustees shall be appointed for one year, two for two years, and two for three years, and thereafter each for three years, or until his successor is appointed and confirmed. They shall receive no compensation for their services. [s 9935 Rev Code 1919]

45 3103 Union with school library. Such board and any school board may agree to unite the school library, except reference books required within the school, with the public library, in which case the money expended by such school for books shall be turned over to such board of public library trustees, and if so united, a representative of the schools shall be a member of such board of trustees. [s 9935 Rev Code 1919]

45.3104 Duties of trustees It shall be the duty of such public library trustees to provide suitable accommodations for such free public library and for the accommodation of the public in using the same. Such trustees shall select the books, papers, and periodicals for such library and may exclude therefrom any reading matter they deem harmful. They may accept gifts of books, money, or property for the use and benefit of such library. They shall appoint the librarian and other necessary employees and fix their compensation, and make all necessary rules and regulations pertaining to use of such library facilities, and determine what books may be circulated and what shall be retained for reference purposes only, and may provide for circulation of books in the rural communities outside the limits of the municipality. Such trustees may also place certain books upon a pay shelf, and make a reasonable charge for use thereof. [s 9936 Rev Code 1919]

45 3105 Tax levy. On or before August first of each year such trustees

shall make a careful estimate of the necessary expense for maintenance of such library for the ensuing year and certify the same to the governing body of the municipality, which governing body shall include such expense in the regular tax levy of such municipality for the ensuing year, and the same shall be extended and collected as are other taxes and the proceeds thereof paid to the treasurer of the municipality. [s.9937 Rev. Code 1919]

45.3106 Duty of treasurer of municipality. It shall be the duty of the treasurer of the municipality to keep all funds derived from such levy authorized by section 45 3105 in a separate fund and to pay the same upon warrants duly drawn by such trustees. [s.9938 Rev Code 1919]

45 3107. Limitation of expense. The total expense for the maintenance of such library shall not in any one year exceed two mills on the dollar of assessed valuation in the municipality where such library is located. [s 9939 Rev. Code 1919.]

45 3108 Report of trustees. Such trustees must on or before August first in each year, make a report to the State Library Commission upon blanks provided by such Commission for that purpose, which report shall be for the fiscal year ended on the thirtieth day of June next preceding [9940 Rev Code 1919.]

G. SCHOOL LIBRARIES

(South Dakota Rev Code 1939, v 1, p 679-680, s 15 1801-15 1804)

15 1801 County library fund: per capita appropriation; use; disbursements The county treasurer annually shall withhold from the apportionment received from the interest and income fund, or other income for the schools of his county, an amount equal to ten cents per capita for each person of school age, which money shall constitute a library fund and shall be used in the purchase of library books as provided in this chapter.

The county treasurer shall pay out money in the library fund upon vouchers signed by the county superintendent and the county auditor [s 35, 40, Ch 138, 1931]

15 1802. County library board: membership; meetings; duties The county superintendent, county auditor, state's attorney, superintendent of schools in independent districts, and principals of schools employing more than one teacher, shall constitute the county library board. Annually between the first day of July and the first day of September, the county library board shall meet at the call of the county superintendent, who shall be chairman of such board, and expend the money provided for in the preceding section in the purchase of books selected from the list prepared by the Superintendent of Public Instruction [s 36, Ch 138, 1931.]

15 1803. Board designates library circuits; limitation of size; removal of libraries; time of removals; compensation. The county library board shall have power to designate library circuits, each circuit to be composed of not more than ten schools. When one or more such circuits shall have

been organized, it shall be the duty of the county superintendent to employ a responsible person to move all the libraries provided for in this chapter. Such removals shall be made in January and July of each year and in such order as the county superintendent shall direct, and the person making such removals shall receive therefor ten cents per mile for the distance necessarily traveled in making such exchange. Such mileage shall be paid by the county treasurer upon warrants issued by the county auditor upon the presentation of a voucher signed by the county superintendent, and shall be charged by the county treasurer pro rata to the various school districts affected.

The boards of education in independent school districts may select such books as they may deem wise and shall forward a list of such books to the chairman of the library board. [s.39, Ch 138, 1931]

15 1804. Libraries: district clerk as librarian; loans to teachers, pupils, and residents of district; location of libraries. The clerk of the school board shall act as librarian and shall receive and have the care and custody of the books and shall loan them to the teacher, pupils, and other residents of the districts in accordance with the regulations prescribed by the Superintendent of Public Instruction. The clerk shall give a receipt for and keep a record of the books received from the county library board, and shall include in his annual report such library statistics as such Superintendent may require.

During the time the school is in session the library shall be placed in the schoolhouse and the teacher shall act as librarian under the supervision of the district clerk.

The school board shall provide suitable cases for the books in each school. [s.37, 38, Ch. 138, 1931.]

TENNESSEE

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A. DIVISION OF LIBRARY AND ARCHIVES

(Williams Tennessee Code 1934, v 2, p 531-532, s 2271-2278, *Ibid* 1940 Suppl
p 282-283, s 2271 1 to 2271 6)

Sec. 2271 (1378) Division under librarian and archivist. The state library and archives shall be in charge of the librarian and archivist as the head of the division of library and archives, under the commissioner of education. The librarian and archivist shall be appointed by the commissioner of education, with the approval of the governor; the term of office to be four years, and salary to be four thousand dollars, per annum, payable monthly out of the treasury, on warrant of the comptroller.

2271.1 Division established; director.

There shall be created and established in the state department of education a Division of Libraries in charge of a director who shall be professionally and otherwise qualified for said position [1937, ch 240, s 1]

2271 2 Coordination of library activities; functions of division.

The division of libraries shall be organized so as to serve as a central office for coordinating the library activities of the state and to perform the following functions

1. To exercise general supervisory control and to develop the state library and archives

2. To supervise the development of libraries in the public schools of the state.

3. To develop regional service throughout the state by means of funds supplied in part by the state and in part by the counties and/or other local units within the region served.

4. To cooperate in the extension of library service through the local, county, and/or regional libraries.

5. To provide advisory service on library matters

6. To cooperate with other divisions of the state department of education in their efforts to service adequately the educational, cultural, and, recreational needs of the state, and to perform such other duties connected with the coordination and extension of library activities of the state, as may be assigned to the director by the commissioner of education, provided, however, that the jurisdiction of the director of libraries shall not extend to the University of Tennessee, the state law library at Nashville and the law library at Jackson [1937, ch 240, s.2]

2271.3. Appointment of director and assistants.

The director shall be appointed by the commissioner of education and (2) such assistants as are necessary to administer properly the work of the division shall be appointed by the commissioner of education upon the recommendation of the director who shall select for their education, training, and experience. [1937, ch.240, s 3]

2271.4. Agreements with local authorities.

The director of libraries may enter into agreements with local authorities such as county courts, city governments, boards of education, library boards, for the development and operation of free public library service, provided that such agreements are made in keeping with policies approved by the state board of education and commissioner of education [1937, ch.240, s.4]

2271.5. Administration of funds.

The director of libraries shall be responsible to the commissioner of education for the administration of the funds of the division [1937, ch 240, s 5]

2271.6. Repealing clause.

All laws or parts of laws in conflict with this act be and the same are hereby repealed and/or modified accordingly [1937, ch.240, s.6]

Sec. 2272 (1382). **Expenditure of appropriations.** The superintendence and control of the library and archives and of the expenditure of funds appropriated therefor is lodged in the head of said division, under the commissioner of education; but the annual appropriation for the purchase of law books shall be under the direction, as to choice of books, of the judges of the supreme court and the attorney-general

Sec. 2273 (1380) (942) **Library open** The state library shall be kept open every day of the year, except Sundays and holidays

Sec. 2274 (1383). **Librarian's report.** The head of the division shall report to said commissioner of education, who shall report to the general assembly, at each session, the condition of the library, a catalogue of books purchased, and of the archives. [1879, ch.31, s.5; 1901, ch 52, 1, Modified.]

Sec 2275 (1385) **Books not to be taken from; violation is misdemeanor.** The librarian shall permit no map, chart, engraving or book to be carried from the library, except by the judges of the supreme and appellate court, attorney-general and reporter, judges of the United States court, and district attorney of the United States, or by the members of the general assembly, and then only by leaving with the librarian a receipt for the same Any violation of this section shall be a misdemeanor, and the librarian shall be fined in the sum of not less than ten or more than fifty dollars; provided, that no lawyer or other person shall take any book from the library on the receipt of the governor, or supreme judges, or members of the general assembly [Ib , sec 7; 1879, ch.123, s 1]

Sec 2276 (1386). **Books for home distribution** In addition to the number of laws, public documents, and decisions ordered by the general assembly to be printed for home distribution, sixty copies shall be printed for the library, and delivered to the librarian, to be used in making exchanges [1879, ch.31, s.8.]

Sec. 2277 (1387) **Assistant librarian; salary.** The state librarian may employ competent and suitable persons as assistant librarians, who shall each receive a salary of eighteen hundred dollars per annum, to be paid out of the state treasury [1929, ch 106]

Sec 2278 **Extra porter.** The state librarian and archivist is authorized to employ, if needed, an extra porter who shall be paid not more than the sum of one hundred dollars per month, on warrant drawn by the comptroller of the treasury [1929, ch 106]

B. STATE LAW LIBRARY

(1) AT JACKSON

(Williams Tennessee Code 1934, v 2, p 533, s 2279-2281)

Sec 2279. **Public law library at Jackson authorized.** There is created a public law library in the city of Jackson, Madison County, and the chief justice of the supreme court, the presiding judge of the section of the court of appeals sitting at Jackson, and a member of the bar of Jackson, to be appointed and elected by the supreme court to serve at the will and pleasure of said court, shall constitute a board of commissioners to locate, establish and control said library; and the clerk of the supreme court shall be the secretary of said board of commissioners and the custodian and librarian of said library. [1929, ch.134, s.1, Modified]

Sec. 2280. **Organization.** The commisisoners shall organize by the election of one of their number as president of the board; adopt rules and regula-

tions for the government and control of the library and transact such other business as may be deemed proper to effectuate the purposes of this law, providing the time, place and manner for the meetings of said board. The secretary of said board shall make and keep a record of the board meetings and all of its transactions, to be kept open for public inspection at all reasonable times. The secretary as such and as librarian shall observe all rules and regulations that may be adopted by the board for the care, preservation and management of said library. [*Ib.*, s.2, Modified]

Sec. 2281. Equipment. Said commissioners shall procure a suitable place in the city of Jackson, and by purchase, donation or otherwise, procure such law books and other legal treatises as in their judgment will best serve the courts, officers, members of the bar and the public in the investigation and determination of legal questions, and procure such other equipment as they may deem necessary to the establishment and maintenance of said library. [*Ib.*, s.3.]

(2) AT NASHVILLE

(Williams Tennessee Code v.2, 1941 Suppl., p.283-284, s.2282.1-2282.7)

Sec. 2282.1. Transfer of books and records to Supreme Court building. The law books belonging to the state and now kept in the library at the capitol and records of the Supreme Court and the records of the court of appeals and the preceding appellate courts sitting at Nashville now stored in the capitol, memorial building, and elsewhere in Nashville be removed to the new Supreme Court building at Nashville, when that building is completed, and placed in the rooms provided for such books and records. This removal is to be under the direction of the law library commission hereinafter created and the expense of moving paid out of the general funds of the state upon vouchers approved by the chairman of said law library commission. Provided that, in so far as possible, out of the books owned by the state, duplicate copies of Tennessee reports, Tennessee codes, and acts of the Tennessee legislature be kept in the library at the capitol for convenient use of members of the general assembly and other state officers; and, provided further, that the law library commission may leave in the attic at the capitol such of the old court records, as in the discretion of the commission, it is not desirable to have in the new building for more ready reference. [1937, ch.78, sec.1]

Sec. 2282.2 Commission created. There is hereby created a Law Library Commission, to be composed of the chief justice of the Supreme Court, the presiding justice of the court of appeals, and the attorney-general of the state, who shall have control of the law library and court records and shall have power to make all necessary rules for the management of said library and the custody of said books and records. [1937, ch.78, s.2]

Sec. 2282.3. Librarian and archivist; no extra compensation. The clerk of the Supreme Court at Nashville shall be ex officio librarian and archivist

of said books and records and neither said clerk nor said commissioners shall receive any compensation for the performance of duties imposed by this act [1937, ch 78, s 3.]

Sec 2282 4 **Custodian and helper.** The commissioners are hereby authorized to employ one custodian for said library and records, whose salary shall be fifteen hundred dollars (\$1,500) per annum, and one helper for said custodian, whose salary shall be nine hundred dollars (\$900) per annum. The custodian and his helper shall also act as porters for the library and record rooms and shall keep said rooms and books and records in clean and orderly condition, and twenty-four hundred dollars (\$2,400) per annum is hereby appropriated for the payment of their salaries [1937, ch.78, s 4]

Sec. 2282 5. **Exchange of reports, act and codes.** The said library commission shall have the authority to exchange Tennessee reports and acts and codes for the reports, acts and codes of other jurisdictions and the Tennessee reports, acts and codes available for exchange under present or future laws shall be at the disposal of the commission for such purpose. [1937, ch 78, s 5]

Sec 2282 6 **Annual appropriations.** For the purchase of new or additional law books, not procurable by exchange, and for rebinding and preserving books on hand, and for postage, express charges, and such expenses, incidental to the operation of the library, there is hereby appropriated the sum of twenty-five hundred dollars (\$2,500) per annum. [1937, ch 78, s 6.]

Sec. 2282 7 **Chairman of commission; disbursements.** The law library commission shall choose one of their members as chairman and the appropriation made for said library shall be disbursed upon vouchers approved by the chairman of said commission [1937, ch 78, s 7]

C. STATE HISTORICAL COMMITTEE

(Williams Tennessee Code, 1934, v 1, p 566-568, s 1017-1024)

Sec 1017 **Duty to collect individual records of the Tennessee soldiers, sailors, airmen, and marines in the world war.** It shall be the duty of the state historical commission, appointed by the governor of Tennessee, under the commissioner of education, to collect, for permanent preservation in the archives of Tennessee, the individual records of the Tennessee soldiers, sailors, airmen, and marines who saw service in the great world war. These records shall be placed on cards, showing the date and place of birth; date of enlistment, branch of service, and date of death or mustering out of every soldier, sailor, airman, and marine. Also, all the original letters, maps, papers, official documents, medals, relics, mementoes, and souvenirs, possible to be collected and all other papers which will throw historical light on the valiant part enacted by Tennesseans in the world war. All such shall be filed in a suitable file, each county's records separately, and all preserved

in a fireproof place in the archives of the state. [1921, ch.74, s.1, Modified.]

Sec. 1018. Records of state's world war activities to be collected in the state archives. All of the records of the state's war activities, both civil and military, including those of the Red Cross, medical corps, hospital service, sale of liberty bonds, war savings stamps and patriotic organizations of all kinds, as well as individuals who gave patriotic service at home or abroad, shall be collected by said commission and properly preserved in the archives of the state [*Ib*, s.2.]

Sec. 1019 Collection of historical data; report to be transmitted to legislature The commission shall collect from the files of old newspapers, court records, church records, private and public collections, and elsewhere, historical data, pertaining to the state, and the territory included therein, from the earliest time; to have such material and those in the state archives properly edited, published, and distributed under the direction of the commission; also see to the proper marking and preservation of battlefields, houses, and other places celebrated in the history of the state; provide and maintain a historical museum, diffuse knowledge in reference to the history of Tennessee, encourage the study of Tennessee history in the schools of the state, and stimulate and encourage historical investigation of records among the people of the state, make an annual report of its receipts and its work and its needs to the governor to be by him transmitted to the general assembly. [*Ib*, s.3.]

Sec. 1020 Further regulations. The Tennessee historical commission shall have power to adopt a seal for use in official business, to adopt rules for its government not inconsistent with this statute, to fix a reasonable price for its publications, and to devote the revenue arising from sales to extending its work; to employ an assistant secretary at a salary of not more than one hundred and fifty dollars per month, who shall do the copying, stenographing, collecting, and compiling of the historical data collected by the commission, and to employ any additional help as may be necessary to collect, preserve, edit, and supervise the publication of such records; to control the expenditures of such funds as may be appropriated for its maintenance; provided, that at least one copy of each of its publications shall be furnished free of charge to each public school library or public library in Tennessee, state officers and members of the general assembly making application for same through the constituted authorities. [*Ib*, s 4.]

Sec 1021. Officers and expenses. The director of the library, archives, and history of the state shall be chairman of the Tennessee historical commission, and shall maintain an office in the state library or some other place designated by the commission. In collecting history and visiting historical places for the purpose of collecting historical data thereon or establishing markers at historic points in the state or while otherwise traveling in the interest of this division the actual expenses of the chairman

or the secretary of the commission shall be paid from the fund provided in this statute. [*Ib.*, s.5.]

Sec. 1022. Vacancy filled. In case of death or resignation of one of the commission, the remaining members shall elect his successor. [*Ib.*, s.6.]

Sec. 1022a. Executive committee to meet, when; actual expenses; meetings. An executive board of ten members of the historical commission, appointed yearly by the chairman shall meet with the chairman at the state capitol, at least twice yearly, at the call of the chairman to transact business and receive the report of the secretary, and the entire commission shall meet once yearly for the same purpose, the actual expenses of the executive committee incurred while attending these meetings shall be paid from the fund appropriated for the purpose [*Ib.*, s.7.]

Sec. 1023. Official custodian of public documents may turn them over to the committee, when; certified copies, and charge therefor. Any state, county, town, or other public official in custody of public documents is empowered in his discretion to turn over to said commission any official books, documents, records, official papers, newspaper file, printed books or portraits not in current use in his office and the commission shall provide for their permanent preservation. But when so surrendered, copies therefrom shall be made and certified under seal, upon application of any person, which certificate shall have effect as if made by the officer originally in charge of them and the commission shall charge for such copies the same fees as said officer is by the law allowed. [*Ib.*, s 8]

Sec. 1024. Annual appropriation for the purposes of this law. For carrying out the purposes and objects of this law, the sum of ten thousand dollars, or so much thereof as shall be needed, over and above all the funds derived from the sale of the publications and all of the fees collected under the preceding section, is annually or continuously appropriated, and, upon order of the chairman of the commission, the state comptroller is empowered and directed to draw his warrant for the sum from the state treasury. [*Ib* , s 9, Modified]

D. STATE PRISON LIBRARY

(Williams Tennessee Code 1934, v7, p 478, s 12128 and 12129)

NOTE. (Michie's Tennessee Code of 1938, p 1968, Sections 12128 and 12129. See *Check List* for full title of this Code.)

12128 7530a1. Appropriation for prison library to be expended by state librarian and archivist. The sum of two hundred and fifty dollars annually is appropriated for the exclusive purpose of enlarging, improving, and maintaining the library at the state prison in Nashville, Tenn. Said sum is to be expended under the supervision of the state librarian and archivist for the betterment of said library and such indebtedness when created for the purpose aforesaid, shall be paid by the state comptroller out of any funds so appropriated upon the presentation of an itemized sworn statement

approved by such librarian and archivist. [1923, ch 7, s 37 [4].]

12129 7530a2 **State librarian and archivist to have control of prison library.** The state librarian and archivist shall have authority to manage and control said branch library at the state prison. [1923, ch.7, s.37 [4].]

E. UNIVERSITY OF TENNESSEE LIBRARY

(Williams Tennessee Code, 1934, v 1, p 480, s 580-582)

Sec. 580 (373a7). **State's certificate of indebtedness authorized as an endowment fund for said library.** In order to meet the conditions imposed by the late Andrew Carnegie, the State of Tennessee accepting same has provided an endowment fund for the university library of forty thousand dollars, bearing interest at the rate of five per cent per annum [1909, ch 180]

Sec 581 (373a8) **Sum to be set aside as interest on the certificate of indebtedness; provision in absence of legislative appropriation.** In order to provide for the interest on this certificate of indebtedness, the board of trustees of the university is directed to set aside from any appropriation made to the support or equipment of said university at any biennial session of the general assembly the amount of four thousand dollars, being at the rate of two thousand dollars per annum , and the amount thus set aside shall constitute the interest on the certificate of indebtedness for the biennial period. If at any future session the general assembly shall fail to make an appropriation for the support or equipment of the university, the board of trustees are empowered and directed to set aside from any other funds of said university not appropriated by the general assembly or the national congress for specific purposes the amount of four thousand dollars, to represent the interest on said certificate of indebtedness for the period of two years, for which no appropriation for support or equipment has been made, in which case they are directed to make a special report of the facts to the next session of the general assembly, to the end that provision for payment of the amount thus diverted may be included in its appropriation for the support or equipment of said university [1909, ch.180, s.4.],

Sec 582 (373a9) **Library fund to be kept as a separate account; report.** The interest provided for in the above sections, together with any other gifts or income from endowment for the support of the library of the university, shall be regularly set aside by the board of trustees as a fund to be known as the "library fund," for the maintenance and development of the library of said university, and said fund shall not be used for any other purpose whatsoever, a separate account of said fund being kept on the books of the university showing the amounts and character of the disbursements made from it. An accounting for said fund shall be included in the biennial report to the governor and general assembly made by the board of trustees of the university. [*Ib* , s 5.]

F. DISTRIBUTION OF PUBLIC DOCUMENTS

(Williams Tennessee Code, 1934, v1, p.316-317, s 71, 79, 80, *Ibid* v 2, p 534, s.2283, 2285-2287, *Ibid*. 1941 Suppl p 285, s 2284, 2287.1-2287.3.)

Sec. 71. 43 (31) **Copies retained in secretary's office.** He [secretary of state] shall also retain for the use of the executive and general assembly, unless a different number shall be prescribed by special law, fifty copies of the acts and as many of the journals of each house, depositing three copies of each in the state library [Modified]

Sec. 79 55 (38) **Exchanges.** The state librarian may, from time to time, procure from the general government, any foreign government, or from any state or territory within the United States, the public acts, and law and equity reports of such government, state or territory, by exchanging the public acts or reports of this state [1859-60, Private, ch.53, s.2]

Sec 80. (51) **Copies for exchange.** There shall be sixty copies of the public laws and documents, and of the supreme court reports, delivered to the state librarian, to enable the librarian to make these exchanges [1859-60, Private, ch 53, s.3.]

Sec 2283. **What libraries shall be such depositories.** The state library at Nashville, the library of the University of Tennessee, at Knoxville, the Cossitt library at Memphis, and such other libraries as the governor may at any time name are designated depositories for state documents and for all publications issued by any official of the state. [1917, ch 42, s.1]

2284. **Secretary of state to require two copies for each library, sent at expense of state, copies for university.** The secretary of state shall keep a list of such documents and publications as are at any time issued by the state, or by any official thereof, and shall notify the person in charge of the making of such publication or the issuance of such documents to furnish him with two copies for each of the depositories so designated, and he shall send, at the expense of the state, two copies of each document or publication to the librarian or person in charge of each of the depositories.

He shall also notify the person in charge of the making of such publication or the issuance of such documents to furnish him with thirty additional copies of each document or publication which he shall distribute, at the expense of the state, upon the requisition of the University of Tennessee. [1935, ch.181, s.3]

Sec. 2285. **Librarian to receipt for same; one copy lendable and the other not.** It shall be the duty of the librarian or other person in charge of each depository to give receipt for and carefully preserve all state documents and publications so received One of the two copies shall be lendable on application, to the persons, if any, allowed to take other books from the library of the depository The other copy shall not be allowed to be taken from the premises of the depository [*Ib.*, s 2]

Sec 2286 **State officers making publications to send two copies to secretary of state.** It shall be the duty of every officer of this state making any

publication or in charge of the printing of any document for the state to notify the secretary of state of their publication and to send to the secretary of state such number of copies as he shall demand in accordance with the provisions of this article. [*Ib.*, s.3.]

Sec. 2287. What publications and documents are included. The publications and documents referred to shall include (1) the acts and journals of the legislature, the reports of the supreme court, and such other courts as shall have their decisions reported by the attorney-general and reporter of this state, or shall be required by any act or resolution of the legislature; (2) the periodical reports of officers of the state and any special reports that may from time to time be made by state officers or committees of the legislature or other committees provided for by law, (3) such other reports or statements as may be published under the authority of the state, or any official thereof. [*Ib.*, s.4.]

Sec. 2287.1. Records of soldiers and sailors serving in Tennessee by enlistment. The compilation of the records of the soldiers and sailors who served in the World War by enlistment from the State of Tennessee, compiled by Mrs. Rutledge Smith of Nashville, Tennessee, and a committee working under her supervision, consisting of separate volumes for each county are hereby accepted and the same are hereby declared to be public records of the State of Tennessee, and certified copies thereof, duly certified by the state librarian, shall be receivable in evidence in all courts of competent jurisdiction in this state as to the truth of the facts therein recited. [1937, ch.301, s.1.]

Sec. 2287.2 Appropriation. The sum of \$384 00 is hereby appropriated out of any money in the treasury of the State of Tennessee not otherwise appropriated for the purpose of reimbursing Mrs. Rutledge Smith for the cost of the actual material, that is the paper and the binding of these records and a warrant for the same will be issued to her by the comptroller of the state for such payment [1937, ch.301, s.2]

Sec. 2287.3 Preservation by state librarian. The aforesaid records, which were compiled by a committee appointed by the governor acting under Senate Joint Resolution No. 76 of the general assembly of Tennessee approved on March 29, 1919, shall be carefully preserved by the state librarian as a part of the official public records of this state. [1937, ch.301, s.3.]

G. CERTIFICATION OF LIBRARIANS

(Williams Tennessee Code, v 2, 1941 Suppl p 286-287, s.2305 1-2305 8)

Sec. 2305.1. Issuance authorized. The state board of education is hereby authorized to issue certificates to librarians [1937, ch.239, s.1.]

Sec. 2305.2. Standards, rules and practices. The state board of education shall set up standards and shall adopt rules and practices by which these librarians' certificates are to be issued and in doing so shall take

into account the recommendations of the advisory committee of librarians herein provided. [1937, ch.239, s.2.]

Sec. 2305.3. Advisory committee of librarians. The advisory committee of librarians referred to in the preceding section shall consist of the librarian of the University of Tennessee who shall be chairman of the said committee, a representative from the state department of education, the president of the Tennessee library association or one appointed by the president, and two librarians, representing respectively the public and school library fields, to be selected from a list of three names for each position submitted by the Tennessee library association and appointed by the commissioner of education for a period of four years, or until their successors are appointed, their terms to expire in rotation. [1937, ch.239, s.3.]

Sec. 2305.4. Power of state board of education. The said state board of education shall pass upon the qualifications of persons applying for the position of librarian or professional library assistant in any library supported wholly or in part from public funds or in any state-supported library agency. [1937, ch 239, s 4]

Sec. 2305.5. Certificates required. From and after July 1, 1938, all governing boards of the libraries designated in the preceding paragraph shall be required to appoint to all vacant and new professional library positions falling under their respective jurisdictions only persons who prior to installation hold proper certificates as prescribed by the state board of education. [1937, ch 239, s 5]

Sec. 2305.6 Groups for certification The said state board of education shall provide for the certification of the following groups:

(1) All professional librarians and professional library assistants in libraries subject to this act in service at the time of the passage of this act.

(2) Professional librarians and professional library assistants who are serving in libraries not designated above in section 4 (s.2305.4), including librarians in other than publicly supported librarians [1937, ch 239, s 6.]

Sec 2305 7. Certificates issued in other states. The said state board of education may evaluate certificates issued by the proper authorities of other states requiring the certification of librarians and may accept such certificates in lieu of corresponding certificates in this state, or may issue or cause to be issued certificates in this state, to such persons holding such certificates from other states [1937, ch 239, s.7.]

Sec 2305.8. Application for certificates; fee. The applications for library certificates under the provisions of this act shall be made to the commissioner of education in such manner and form as the state board of education may specify. The fee specified by the state board of education shall accompany each application and shall be deposited with the state treasurer to the credit of the state department of education. [1937, ch.239, s.8.]

H. FEDERAL AND STATE AID

(Williams Tennessee Code, v 2, 1941 Suppl p.287-289, s.2305.9-2305.14)

Sec. 2305.9. Commissioner of education to receive funds. The commissioner of education is hereby designated as the state agency to apply for and receive from the federal government or any agency thereof, any federal grant or grants that may be made available to the State of Tennessee or any of its subdivisions or agencies for library purposes under S 1305 or H. R. 3517, or similar legislation from any other source. [1939, ch.172, s.1.]

Sec. 2305.10. Commissioner authorized to establish unit of public libraries. For the purpose of administering any funds granted to the State of Tennessee for library purposes from the federal government or any of its agencies, or appropriated by the general assembly of Tennessee, or received from any other source for such purpose, the commissioner of education, with the approval of the governor, is hereby authorized and empowered to create and establish in the state department of education a unit of public libraries. Said unit shall be in charge of a supervisor who shall be a professionally trained and otherwise qualified librarian. Such supervisor and all assistants and other personnel in said unit shall be appointed upon the basis of merit and efficiency and without regard to political consideration [1939, ch 172, s 2]

Sec 2305.11. Powers, duties and functions of commissioner through unit of public libraries. The commissioner of education, through the unit of public libraries so established, shall have the following powers, functions and duties

1. To apply for and receive and accept on behalf of the State of Tennessee, any federal funds which may be made available for libraries
2. To supervise and promote the development of public libraries in the state.
3. To develop regional library services throughout the state
4. To cooperate in the extension of library service through local, county, and/or regional public libraries
5. To provide advisory service on library matters
6. To enter into agreements with local authorities such as county courts, city governments, boards of education, and library boards, or any agency of the federal government, for the development and operation of free public library service, provided that such agreements are made in keeping with policies approved by the state board of education and commissioner of education.
7. To make and administer plans for carrying out the purpose of any legislation that may be enacted by the congress of the United States, providing grants to the states for library purposes
8. To make and administer plans to lessen inequalities of opportunity for library service; for the maintenance of a cooperative and integrated system of library service throughout the state; for suitable, cooperative

arrangements with school systems, cooperative agricultural extension service, and other appropriate agencies; and to make equitable apportionment of any funds so received so as to provide library facilities to both the white and colored races [1939, ch 172, s 3]

Sec. 2305.12. Unit may be established as part of division of libraries. In his discretion, the commissioner of education is authorized to establish such unit of public libraries as a part of the division of libraries created by chapter 240, Public Acts of 1937 [ss.2271 1-2271.6]. [1939, ch.172, s 4.]

Sec 2305.13. State treasurer trustee for federal funds; inspection and audit. The state treasurer shall serve as trustee for any federal funds allotted to Tennessee for library purposes. The expenditure of such funds received shall be audited by the state comptroller and the records of both the treasurer and unit of libraries shall be open for inspection and audit by federal authorities at all times [1939, ch 172, s.5]

Sec 2305.14 Report of commissioner. It shall be the duty of the commissioner of education to make reports to the proper federal agency with respect to the expenditure of any funds received from the federal government [1939, ch 172, s 6]

I. COUNTY LIBRARIES

(1) GENERAL PROVISIONS

(Williams Tennessee Code, 1934, v 2, p 535-536, s 2290-2297)

Sec 2290 To be established by the county court; taxes. The county court of any county is empowered to establish a county free library, or to contract for library services, as below described, using therefor funds raised by taxes levied for county purposes, such a library or service, being declared to be a county purpose, or such court may levy for either specific purpose a property tax one mill on the dollar. Said tax, if and when levied, shall be only on such portions of the county as are not already maintaining or taxed for maintenance of a free public library [1929, ch 98, s 1.]

Sec 2291 Library board to be appointed; control; terms; residents of county. Upon the establishment of a county free library, the county court shall appoint a county library board of seven members, who shall serve without salary, three for a period of one year, two for a period of two years, and two for a period of three years. Thereafter their successors shall be appointed by the county court for a period of three years; all members shall be residents of the county [Ib, s 2]

Sec. 2292 Control and disbursement of funds; donations, devises and bequests; rules and regulations. The county library board shall have the control and disbursement of all public funds for county library use and shall have the power to direct all the affairs of such county library. It may receive donations, devises and bequests and may hold and convey realty and personal property and negotiate leases for and on behalf of such library.

It may make and enforce rules and regulations, employ the necessary aid and establish branches of travel service at its discretion. [*Ib.*, s.3.]

Sec. 2293. County may borrow money; notes and bonds issued; interest; maturity. The county court shall have the power to borrow money for the purchase of realty and the erection or purchase of a suitable building or rooms for the library and its branches and for their equipment; and therefor to issue notes or bonds not in excess of one thousand dollars for each thousand of the county's population, as shown by that federal census which preceded or shall precede the action taken, said obligations to bear interest not in excess of five and one-half per cent, and with maturity not beyond thirty years. [*Ib.*, s.4.]

Sec. 2294. Tax funds held by county treasurer; paid out on warrants. All county library tax funds shall be held by the county treasurer separate from other funds, and shall be paid out on warrant, when vouchers or orders have been authenticated by two officers of the county library board. [*Ib.*, s.5.]

Sec. 2295 Librarian; reports. Upon the establishment of a county free library, a county librarian shall be appointed by the county library board. The county librarian shall be responsible for the internal administration of the library and shall submit to the board an annual report, which in turn the board shall transmit, with its own annual report, to the county court at its January term. [*Ib.*, s 6]

Sec. 2296 Library services may be contracted for. The county court may, instead of establishing an independent county free library, contract for library services and facilities with an existing library within the county, or with another county which may have a free county library. [*Ib.*, s 7.]

Sec. 2297 Annual audit by county court. An annual audit of all expenditures of county library funds shall be made by the county court. [*Ib.*, s.8.]

(2) COUNTY LIBRARY BUILDINGS

(Williams Tennessee Code, 1934, v 6, p.857-859, s 10243-10248)

Sec. 10243. County courts may appropriate money for erection of permanent monuments to soldiers, when. The county courts are authorized to appropriate, by a roll call and recorded vote, from their respective county treasuries, money to be expended solely in the erection of permanent monuments or buildings or libraries or any other evidence of appreciation of the bravery and valor of soldiers, sailors, and marines, within the respective counties appropriating the same, but not from any special fund heretofore provided for by law, to the honor and memory of the living and dead American soldiers, sailors, and marines, collectively, who served in the world war, or war between the states, but it is expressly provided that no sum in excess of \$30,000 shall be appropriated by any one county for such purpose. [1919, chs 10, 41, s.1; 1925, ch 28.]

Sec. 10244. Plans and specifications of monument to be filed; detailed vouchers; record in books of county court clerk. Before any part of any such appropriation shall be paid out of any county treasury, there shall first be filed with the county trustee of the county making the appropriation, plans and specifications of the proposed monument or building or library or other evidence of appreciation, with a detailed estimate of every cost and expense of the same, and it is further provided as an absolute prerequisite to the paying out of any part of any such appropriation that the persons receiving said appropriation or any part thereof, shall give the trustee detailed vouchers approved by county monument or building commissioners and the county chairman or county judge in open court and personally receipted in writing by the payees and duly entered of record in detail in the books of the county court clerk, in such manner and form as to clearly and definitely show for what purpose the money was paid and to whom, etc [1919, chs 10 and 41, s.2.]

Sec. 10245. County monument or building commissioners to be elected, oath; duties; report When any county makes any such appropriation, the county court making it shall elect five reputable citizens of the respective counties, over twenty-one years of age, who shall be known as the county monument or building commissioners, who shall be duly sworn faithfully to discharge their duties as such, and whose duty it shall be to superintend the erection of said monument or building under the general orders and direction of the court; and it is expressly provided that said commissioners shall, when the monument or building has been completed and delivered, forthwith make a full and complete detailed report in writing to the county court in open session, which shall be spread of record in said court, accounting definitely and with detailed particulars for every dollar coming into their hands [*Ib.*, s.3]

Sec. 10246. Expenditure of appropriation is limited to work and material for monument. No part of any such appropriation shall be expended for land, fees, or salaries, but shall all be used for the erection of the monument or building, and all said money shall be alone for work on and material entering into the construction of said monument or building. [*Ib.*, s.4.]

Sec. 10247 Misappropriation or willful diversion is a felony; punishment; commutation; fine for school fund. Any and all persons accepting the custody or control of any part of any such appropriation provided for, who misappropriates or aids in the misappropriation or willful diversion of any part of the same shall be guilty of a felony and be confined in the state prison or penitentiary for from one year and a day to two years, which penalty may be commuted to six months in the workhouse in the discretion of the court, and be fined fifty dollars which, when collected, shall be paid into the county school fund. [*Ib.*, s.5.]

Sec 10248 Majority of votes cast required for issuance of county bonds; when statute not applicable. Any bonds authorized to be issued by any of the counties, upon the faith and credit of such county, for public purposes, shall only be upon an election to be first held by the qualified voters of such county and the assent of a majority of the votes cast in said election; provided, that nothing in this statute shall be construed as applicable to renewal or refunding bonds and for the building of a courthouse, in counties in which courthouse has been destroyed [1931, ch 13, s.1]

(3) STATE BOARD OF LIBRARY EXAMINERS

(Williams Tennessee Code, 1934, v 2, p 535, s 2288-2289)

Sec 2288. State board of library examiners; no compensation; traveling expenses. A commission is created to be known as the state board of library examiners, consisting of the state librarian and archivist, who shall be chairman of said board, the commissioner of education, the librarians of the four principal free libraries in Memphis, Nashville, Chattanooga, and Knoxville, and the president of the Tennessee library association or one appointed by the president of the Tennessee Library Association. The members of said board shall receive no compensation for their services, except their actual and necessary traveling expenses, to be paid out of the state library traveling fund [1921, ch 91, s 5]

Sec 2289. Board to pass upon qualification of applicants for county librarians; rules and regulations. The board shall pass upon the qualifications of all persons desiring to become county librarians, and may, in writing, adopt rules and regulations not inconsistent with law for its own government and for carrying out the purposes of this article, in the establishment of county free libraries [*Ib*]

J. MUNICIPAL LIBRARIES

(Williams Tennessee Code 1934, v 2, p 537-538, s 2298-2305)

Sec 2298 City may establish and maintain a library. The governing body of any incorporated city or town shall have the power to establish and maintain a free public library, or give support to any free public library already established therein, or contract with another library for library service for the use of the inhabitants of such city or town [1929, ch.100, s.1]

Sec. 2299. Taxes. Upon the decision of such governing body to establish, maintain or support a free public library, or to contract with another library for library service, it shall levy for the purpose a tax of not more than six (6) mills on the dollar on all taxables of such city or town, or shall use therefor funds raised for taxes for municipal purposes, such a library or service being declared to be a municipal purpose [*Ibid* , s.2.]

Sec. 2300. Library board; directors. Where such governing body, in lieu of giving support to a free public library already established or of contract-

ing with another library for library service, establishes an independent free public library of its own, it shall appoint a board of seven members, all of whom shall be citizens of the city or town. No official or employee of the municipal government or member of any other city board shall be a member of such free public library board. Said directors shall serve without salary, three for one year, two for two years, and two for three years; and their successors for a term of three years. Not more than five of said members shall be of the same sex. [*Ibid.*, s.3]

Sec. 2301. **Organization; by-laws; librarian and duties.** The directors shall organize by electing officers and adopting by-laws and regulations. They shall have the power to appoint the librarian, who shall administer the internal affairs of the library, and to appoint such assistants or employees as may be necessary. [*Ibid.*, s 4.]

Sec. 2302. **Bonds for funds for improvements; title in board; funds to be kept separate.** The governing body of such city or town is hereby empowered to provide funds for the purchase of realty and the erection of a library building by the issuance of coupon bonds of the city or town to an amount not in excess of two thousand dollars for each one thousand of population of the city or town, as shown by the federal census which preceded or shall precede the action taken, said obligations to bear interest not in excess of five and one-half per cent per annum, and with maturity not longer than thirty years. The title to such property shall be vested in trust in said library board and their successors, who shall be onerated with the duty of expending as below, such bond proceeds. Such library board is empowered to accept gifts, bequests or devises to be used by it, directly for library purposes. All library funds, raised by bonds or taxation shall be by the governing body of such city or town kept separate and disbursed only when drawn upon by the city or town officers upon vouchers or orders authenticated by two officers of the library board. All library accounts of every character shall be audited annually by or under the governing body of the municipality. [*Ibid.*, s.5]

Sec. 2303 **Libraries free to inhabitants; to non-residents upon contract.** Libraries so established or supported shall be free to the inhabitants. The board may extend the privileges and facilities of the library to persons residing outside of the municipality upon such terms as it may deem proper; and to that end contract with any county library board. [*Ibid.*, s.6.]

Sec. 2304. **Penalties for loss or injury to library property.** The directors shall have power to make and enforce rules providing penalties for loss of or injury to library property. [*Ibid.*, s 7.]

Sec. 2305. **Annual report to directors, and their report to city.** The librarian shall submit an annual report to the directors, who in turn shall report annually to the governing body of such city or town. [*Ibid.*, 8.]

K. SCHOOL LIBRARIES

(Williams Tennessee Code, 1934, v.2, p 541, 547, 579, 608, s 2314, 2324, 2406, 2509-2512)

Sec. 2314. Commissioner is chairman of board; special duties enumerated. The commissioner of education shall be, ex officio, member and chairman of the state board of education, and shall have a vote on all questions coming before the board, and it shall be the duty of said commissioner of education: * * *

(20) **Libraries.** To administer the funds appropriated for school libraries. * * * [1925, ch.115, s.4.]

Sec. 2324. Board to assign specified duties to superintendent. To assign to its county superintendent the following duties:

* * * * *

(17) **School libraries.** To receive subscriptions and funds for establishing and maintaining school libraries, to deposit same with the county trustee and to report to the commissioner of education the amount thus deposited and books desired. * * * [1925, ch 115, s 6]

Sec. 2406. Distribution of general state school fund, on a percentage basis. On the first days of July and January of each fiscal year, the comptroller of the treasury shall set aside the amount due the general state school fund as provided, and shall apportion said general state school fund as follows: For the year beginning the first day of July, 1932, and annually thereafter, after deducting the sum appropriated by the legislature for personal services and operating expenses of the state department of education, except the divisions of geology, library and archives, and professional registration, * * * (9) one-half per cent or such part thereof as may be necessary, to encourage and assist in the establishment and maintenance of libraries in the public schools the same to be distributed according to regulations provided by the state board of education; provided, that the expenses of maintaining the various divisions of the state department of education shall be paid out of the appropriation herein made for said divisions; and provided, further, that any portion of the appropriation hereinbefore made for supplementing the compensation paid to the county superintendents, or the consolidation and supervision, or of school libraries, or for vocational education not used in any one year shall become a part of the elementary school fund and be distributed among the elementary schools of the state. [1925, ch.115, s.17.]

Sec. 2509. Established, how. Whenever the patrons and friends of any public school shall raise, by private subscription or otherwise, and tender to the county trustee, through the county superintendent, the sum of ten dollars or more for the establishment and maintenance of a library for that school, said superintendent shall notify the commissioner of education and, upon the certificate of said commissioner the comptroller of the treasury

shall pay to the county trustee of said county out of state funds appropriated for the establishment and maintenance of rural school libraries a sum equal to the amount raised by or for the school; provided, that the apportionment out of the school funds to any one school shall not exceed forty dollars within any school year. Preference shall be given to counties that have not already established rural school libraries and to schools in a county that have not received state aid. [1925, ch.115, s.30]

Sec. 2510. Rules and regulations for school and circulating libraries; suitable books; what part of school library fund used for circulating libraries. It shall be the duty of the state board of education to make and cause to be published through the commissioner of education rules and regulations for school libraries and circulating libraries as provided by this section, to adopt a list of suitable books for said libraries and to arrange for the purchase of the books on said list at the lowest possible price. Not exceeding one-fifth of the amount appropriated for school libraries may be used for the purchase and maintenance of circulating libraries. [*Ib.*]

Sec. 2511. Libraries to comply with regulations. All libraries receiving assistance from this fund shall comply with the regulations of the state board of education. [*Ib.*]

Sec. 2512. Purchase of books on list not exceeding price named. All money received from the state to assist in establishing or supplementing a library shall be used to purchase books on the approved list aforesaid, and no book shall be purchased at a higher price than that named in said approved list and no commission shall be allowed the county trustee for receiving and disbursing library funds. [*Ib.*]

L. TAX EXEMPTIONS

(Williams Tennessee Code, 1934, v 2, p 235, s 1355.)

TEXAS

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A. TEXAS LIBRARY AND HISTORICAL COMMISSION

(Verdon's Texas Civil Stats., 1941, v 16, p 43-49, Art 5434-5446, *Ibid* 1935, p 403, Art 256, *Ibid* 1926, p 155, 380, Art 3722, 3913)

Art 5434 5600-5601 **Organization.** The Governor shall, by, and with the advice and consent of the Senate, appoint five persons who shall constitute the Texas Library and Historical Commission. Appointments shall be made for a term of six years, the classification to continue as constituted by law. The Commission shall be assigned suitable offices at the capitol where they shall hold at least one regular meeting annually, and as many special meetings as may be necessary. Each such member while in attendance at said meetings shall receive five dollars per day and the actual expenses incurred in attending the meetings. [Acts 1909, p 122; Acts 2nd CS 1919, p 151.]

Art 5435 5599 **Purpose.** The Commission shall control and administer the State Library, adopt and enforce reasonable rules and regulations governing its administration and control, aid and encourage libraries, collect materials relating to the history of Texas and the adjoining states, preserve, classify and publish the manuscript archives and such other matters as it may deem proper, diffuse knowledge in regard to the history of Texas, encourage historical work and research, mark historic sites and houses and secure their preservation, and aid those who are studying the

problems to be dealt with by legislation. [Acts 1909, p.122.]

Art. 5436 5602-5603 **Powers and duties.** The Commission is authorized and empowered to purchase within the limits of the annual appropriation allowed by Act of the Legislature from time to time, suitable books, pictures, etc., the same to be the property of the state. The Commission shall have power and authority to receive donations or gifts of money or property upon such terms and conditions as it may deem proper, provided, no financial liability is thereby entailed upon the State. It shall give advice to such persons as contemplate the establishment of public libraries, in regard to such matters as the maintenance of public libraries, selection of books, cataloguing and library management. The Commission shall conduct library institutes and encourage library associations. [*Id*; Acts 2nd. C S. 1919, p.152.]

Art. 5437 **Seal.** The style of the Library governed by the Commission shall be "Texas State Library." A circular seal of not less than one and one-half inches, and not more than two inches in diameter, bearing a star of five points, surrounded by two concentric circles, between which are printed the words, "Texas State Library," is hereby designated the official seal of said Library. Said seal shall be used in authentication of the official acts of the State Library. [Acts 2nd C S 1919, p 152]

Art 5438 5604-5605 **Custody of records.** The custody and control of books, documents, newspapers, manuscripts, archives, relics, mementos, flags, works of art, etc., and the duty of collecting and preserving historical data, is under the control the Commission. The gallery of the portraits of the Presidents of the Republic and the Governors of this State constitutes a part of the State Library. All books, pictures, documents, publications and manuscripts, received through gift, purchase or exchange, or on deposit, from any source, for the use of the State, shall constitute a part of the State Library, and shall be placed therein for the use of the public. [Acts 1909, p.122]

Sec 5438a **Historical Relics.** The Texas Library and Historical Commission is hereby authorized in their discretion to place temporarily in the custody of the Daughters of the Republic of Texas and the United Daughters of the Confederacy, Texas Division, all or part of the historical relics belonging to the Texas State Library, under such conditions and terms of agreement as will insure the safe keeping of these relics in the Texas Museum. [Acts 1925, 39th Leg., ch 146, p.354, s.1]

Sec 5438b. **Title to relics.** The title of the State to these relics shall not be affected by this transfer. [Acts 1925, 39th Leg., ch.146, p.354, s.2]

Sec 5438c **Removal of relics.** The Texas Library and Historical Commission shall retain the right to remove these relics at any time they may see fit. [Acts 1925, 39th Leg., ch 146, p 354, s 3]

Art. 5439 5606 **Exchange of records.** Any State, county or other official is hereby authorized in his discretion to turn over to the State Library

for permanent preservation therein any official books, records, documents, original papers, maps, charts, newspaper files and printed books not in current use in his office, and the State Librarian shall receipt for the same. [Acts 1909, p 122; Acts 2nd. C.S. 1919, p.152.]

Art. 5440 State Librarian. The Commission shall elect a State Librarian, not of their number, who shall be a man or woman of at least one year's training in a library school and at least three years' administrative experience as head of a free public or institutional library, or as an assistant of high rank in such library. Said Librarian shall serve at the will of the Commission, and shall give bond in the sum of five thousand dollars for the proper care of the State Library and its equipment. He shall be allowed his actual expenses when traveling in the service of the Commission, on his sworn account showing such expenses in detail. [Acts 2nd. C.S. 1919, p.151.]

Art. 5441 5606 Duties of librarian. The duties of the State Librarian, acting under the direction of said Commission, shall be as follows:

(1) He shall record the proceedings of the Commission, keep an accurate account of its financial transactions, and perform such other duties as said Commission may assign him; and he shall be authorized to approve the vouchers for all expenditures made in connection with the State Library.

(2) He shall have charge of the State Library and all books, pictures, documents, newspapers, manuscripts, archives, relics, mementos, flags, etc., therein contained.

(3) He shall endeavor to collect all manuscript records relating to the history of Texas in the hands of private individuals, and where the originals cannot be obtained he shall endeavor to procure authenticated copies. He shall be authorized to expend the money appropriated for the purchase of books relating to Texas, and he shall seek diligently to procure a copy of every book, pamphlet, map or other printed matter giving valuable information concerning this State. He shall collect portraits or photographs of as many of the prominent men of Texas as possible. He shall endeavor to complete the files of the early Texas newspapers in the State Library; and he shall cause to be bound the current files of not less than ten of the leading newspapers of the State and the current files of not less than four leading newspapers of other states, and of as many county papers, professional journals, denominational papers, agricultural papers, trade journals, and other publications of this State as seem necessary to preserve in the State Library an accurate record of the history of Texas.

(4) He shall demand and receive from the officers of State departments having them in charge, all books, maps, papers, manuscripts, documents, memoranda and data not connected with or necessary to the current duties of said officers, relating to the history of Texas, and carefully classify, catalogue and preserve the same. The Attorney-General shall decide as to

the proper custody of such books, etc., whenever there is any disagreement as to the same.

(5) He shall endeavor to procure from Mexico the original archives which have been removed from Texas and relate to the history and settlement thereof, and if he cannot procure the originals, he shall endeavor to procure authentic copies thereof. In like manner he shall procure the originals or authentic copies of manuscripts preserved in other archives beyond the limits of this State, in so far as said manuscripts relate to the history of Texas.

(6) He shall preserve all historical relics, mementos, antiquities and works of art connected with and relating to the history of Texas, which may in any way come into his possession as State Librarian. He shall constantly endeavor to build up an historical museum worthy of the interesting and important history of this State.

(7) He shall give careful attention to the proper classification, indexing and preserving of the official archives that are now or may hereafter come into his custody.

(8) He shall make a biennial report to the Commission, to be by it transmitted to the Governor, to be accompanied by such historical papers and documents as he may deem of sufficient importance.

(9) He shall ascertain the condition of all public libraries in this State and report the results to the Commission. He is authorized in his discretion to withhold from libraries refusing or neglecting to furnish their annual report or such other information as he may request, public documents furnished the Commission for distribution, or interlibrary loans desired by such libraries. [*Id.*, Acts 1909, p 122]

Art 5442 Distribution of publications. On the requisition of the State Librarian therefor, the Board of Control shall cause to be printed and furnished to the State Library for distribution and exchange the following publications, or such additional number as said Librarian shall request: 150 copies of all annual, biennial and special reports of State departments, boards and institutions, findings of all investigations, bulletins, circulars, laws issued as separates, and legislative manuals, 75 copies of all daily legislative journals, bound journals, bills, resolutions, session laws and compiled statutes, and 150 copies of all other publications, except routine business forms and court reports. All such printed daily legislative journals, bills, resolutions and other legislative documents shall be delivered daily to the State Library, and at the close of each legislative session all daily journals, bills, and resolutions in the hands of the sergeant-at-arms of the House and Senate shall be delivered to the State Library to be disposed of at the discretion of the Librarian. No accounts for such printing shall be approved and no warrants shall be issued therefor, until the Board of Control is furnished by the contract printer with the receipt of the Librarian for such publications. [Acts 1913, p.281; Acts 2nd. C.S. 1919, p.154.]

Art. 5443 Sale of archives. The Commission is authorized to sell copies of the Texas Archives, printed with funds appropriated for that purpose, at a price not to exceed twenty-five per cent above the cost of publishing, and all moneys received from such sale shall be paid into the State Treasury. One copy of each such volume may be distributed free to the Governor, the members of the Legislature, and to the libraries, indicated in the preceding article. [Acts 1913, p.281.]

Art. 5444 5608 Legislative reference section. The Commission shall maintain for the use and information of the members of the legislature, the heads of the several State departments, and such other citizens as may desire to consult the same, a section of the State Library for legislative reference and information. This section shall possess available for use, explanatory check lists and catalogues of the current legislation of this and other states, catalogues of the bills and resolutions presented in either branch of the Legislature, check lists of the public documents of the several states, including all reports issued by the various departments, boards and commissions of this State, and digests of such public laws of this and other states as may best be made available for legislative use. Such section shall give the members of the Legislature such aid and assistance in the drafting of bills and resolutions as may be asked. [Acts 1909, p.122, Acts 2nd C S 1919, p.155]

Art 5445 Assistants. The Commission shall appoint an assistant librarian who shall rank as head of a department, and who in the absence of the State Librarian may sign and certify accounts and documents in the same manner and with the same legal authority as the State Librarian. Said assistant shall give bond to the Governor in the sum of three thousand dollars and shall take the official oath. Other assistants in the State Library shall be appointed by the Commission and be divided into four grades: Heads of departments, library assistants, clerks and laborers. Heads of departments and library assistants shall be required to have technical library training; and heads of departments shall have had at least one year experience in library work prior to appointment. Clerks shall be required to hold a diploma from a first class high school according to the standards of State Board of Education or the University of Texas, or to present satisfactory evidence of educational training equal to that provided by such high school, and also to present satisfactory evidence of proficiency in stenography and typewriting or bookkeeping. Laborers must present satisfactory evidence of education sufficient to do such elementary clerical work as shall be required of them. The archivist must present satisfactory evidence of one year's advanced work in American or Southwestern history in a standard college and of a fluent reading knowledge of Spanish and French; provided, that the archivist shall not be required to have technical library school training or any library experience. [Acts 2nd C S 1919, p 151]

Art. 5446 Report to governor. The Commission shall make a biennial report to the Governor, which shall include the biennial report of the State Librarian. Said report shall present a comprehensive view of the operation of the commission in the discharge of the duties imposed by this title, shall present a review of the library conditions in this state, present an itemized statement of the expenditures of the commission, make such recommendations as their experience shall suggest, and present careful estimates of the sums of money necessary for the carrying out of the provisions of this title. Said report shall be made and printed, and by the governor laid before the legislature as other departmental reports. [Acts 1909, p.122.]

Art. 256 (88) (68) (63) Historical archives. All books, pictures, papers, maps, documents, manuscripts, memoranda and data which relate to the history of Texas as a province, colony, Republic or State, which have been or may be delivered to the State Librarian by the Secretary of State, Comptroller, Land Commissioner or by any head of any department, or by any person or officer, in pursuance of law, shall be deemed books and papers of the State Library and shall constitute a part of the archives of said State Library, and copies therefrom shall be made and certified by the State Librarian upon application of any person interested, which certificate shall have the same force and effect as if made by the officer originally in custody of them [Acts 1907, p 283]

Art 3722 (3696) (2308) (2253) Copies and certificates from certain officers. The Secretary of State, Attorney-General, Land Commissioner, Comptroller, Treasurer, Adjutant-General, Commissioner of Agriculture, Commissioner of Insurance, Banking Commissioner, and State Librarian shall furnish any person applying for the same with a copy of any paper, document or record in their offices, and with certificates under seal certifying to any fact contained in the papers, documents or records of their offices, and the same shall be received in evidence in all cases in which the originals would be evidence [Acts March 20, 1848; P D. 3806, G L Vol 3, p 184]

Art 3913 (3833-3836) Certain state officers. The * * * State Librarian * * * shall furnish any person who may apply for the same with a copy of any paper, document or record in their respective offices, or with a certificate under seal, certifying to any fact or facts contained in the papers, documents or records of their offices; provided neither of said officers shall demand nor collect any fee from any officer of the State for copies of any papers, documents or records in their offices, or for any certificate in relation to any matter in their offices, when such copies are required in the performance of any of the official duties of such office Each of said officers shall keep a fee book in his office in which he shall enter all the fees received for any service named in this title, and shall quarterly file with the Comptroller a verified account of all fees so received by them, respectively, and such officers shall also at the end of each quarter pay over to the State

Treasurer all money received by them, respectively, under the provisions of this title. Each said officer shall be entitled to demand and receive the following fees for the services mentioned, except as otherwise provided by this title:

For copies of any paper, document, or record in their offices, in the English language, including certificate and seal, for each hundred words	\$0.15
For copies of any paper, document or record in their offices, in any other language than the English, including certificate and seal, for each hundred words25
For each translated copy of any paper, document, or record in their offices, including certificate and seal, for each hundred words.....	.30
For the copy of any plat or map in their offices, such fees as may be established by the officer in whose office the same is made, to be determined with reference to the amount of labor required	
For each certificate not otherwise provided for50
[Acts 1848, p.184, G.L. Vol.3, p 184, Acts 1907, p 283]	

Resolved by the Senate, the House of Representatives concurring, that the Library and Historical Commission of the State of Texas be requested to cooperate with the officials of the Texas Centennial Central Exposition to the end that an appropriate historical display may be had at Dallas, and we request the said Commission to loan to the Texas Centennial Central Exposition available historical documents, relics, etc, upon such reasonable assurance to said Commission as may be proper for the safeguarding and safe return of such material loaned to the Texas Centennial Exposition; and be it further

Resolved, That true copies hereof be mailed to each of the members of the said Library and Historical Commission of the State of Texas [Tex. Gen. & Sp. Laws (2d Sess) 1935, p.1927]

B. SUPREME COURT LIBRARY

(Vernon's Texas Civil Stats, 1925, v 3, ch 2, p 432, Art 1722)

Art. 1722. (1537-8) **Library.** The library of the Supreme Court shall be open to the public under such rules as the Court may prescribe. The books shall not be removed from the library room, except by the Judges of the Courts and by members of the Legislature during its sessions, upon their receipt for the same. The clerk of the Supreme Court shall be librarian in charge of the library of said Court. The Chief Justice shall appoint an assistant librarian who may also act as marshal for said Court when required by the Court. The assistant librarian shall have immediate charge of the library and shall keep it open, except Sundays and holidays, from eight a.m to five p m, and shall make catalogs of the books and keep them in order. [Acts 1st C S. 1905, p.462.]

C. COURT OF CIVIL APPEALS LIBRARIES

(Vernon's Texas Civil Stats, 1925, v.4, ch.2, p.30, Art.1832)

Art. 1832. (1603-4) **Librarian.** Each clerk shall be librarian in charge of the library of his court, and shall take charge of, keep in good order and make catalogs of the books thereof. [Acts 1st., C.S. 1892, p.25.]

D. UNIVERSITY OF TEXAS**(1) GENERAL PROVISIONS**

(Vernon's Texas Civil Stats, v 8, 1941 Suppl p 47, 52, Art 2603c,2603d)

Art. 2603c **Borrowing from federal agencies and other sources, private or public, authorized.** Sec. 1. That the Board of Regents of the University of Texas and its branches, and the Board of Directors of the Agricultural and Mechanical College, and its branches, and the Board of Directors of Texas Technological College, and the Board of Regents of the State Teachers Colleges, and the Board of Regents of the Texas State College for Women, and the Board of Directors of the College of Arts and Industries are hereby severally authorized and empowered to construct or acquire, through, funds or loans to be obtained from the Government of the United States, or any agency or agencies thereof, created under the National Recovery Act, or otherwise created by the Federal Government, or from any other source private or public, without cost to the State of Texas, and accept title, subject to such conditions and limitations as may be prescribed by each of said Boards, * * * libraries, * * * and such other buildings as may be needed for the good of the institution and the moral welfare and social conduct of the students of such institutions when the total cost, type of construction, capacity of such buildings, as well as the other plans and specifications have been approved by the respective Governing Boards; provided, however, that the Legislature shall never make an appropriation out of the general fund of this State, either in the regular appropriation bill or in a supplemental or emergency appropriation bill, for the purpose of equipping or for the purpose of purchasing and installing any utility connections in any of the buildings erected under and by virtue of the provisions of this Act [Acts 1939, 46th Leg, p 262, s 1]

Sec 2. That said Boards are further authorized to fix fees and charges for the use of the buildings erected under authority of the law amended by this Act The charges to be made and the fees to be assessed against students using said buildings shall be in amounts deemed to be reasonable by the respective Boards, taking into consideration the cost of providing said facilities, the use to be made of them and the advantages to be derived therefrom by the students of the respective institutions; provided that the fee to be assessed against a student for the use of a library, or for the use of a student activity building, or for the use of a hospital, or for the use of gymnasium, shall not exceed (\$4.00) Dollars for any one of said purposes for any one semester or for any one summer session. * * * Thereafter the right

of said respective Boards to fix charges and fees shall depend on laws other than this Act as hereby amended. Any bonds or notes issued hereunder shall bear interest at not to exceed six (6%) per cent per annum, and shall finally mature not more than forty years from date [Acts, 1935, 44th Leg., 2nd, C.S. p.1752, ch 459, s 2.]

Sec. 11. To the extent that this Act specifies the inclusion of the power to build libraries, student activities buildings, gymnasia, athletic buildings and stadia, it shall be considered as declaratory of the existing law which by the use of general terms already included the power to acquire said buildings. This Act shall not repeal any statute now in effect but shall be cumulative of all other statutes affecting said institutions, and shall not modify or abridge any powers now held by any of said institutions to control or pledge its funds, provided, however, that to the extent that the provisions of this Act may be in conflict with the provisions of any other law, including those of Chapter 237, Acts of the Fortieth Legislature (Art 2654a), Chapter 196, Acts of the Forty-third Legislature (Art 2654c), and Chapter 221, Acts of the Regular Session of the Forty-third Legislature (Art 2654d; P.C. Art. 419b), the provisions of this Act shall take precedence and prevail, it being the intention of the Legislature to confer authority on the governing Boards of said institutions to establish fees and charges to be made for the use of the buildings to be constructed under the law amended hereby, and to pledge said revenues as herein provided [Acts 1935, 44th Leg., 2nd C.S., p.1752, ch 459, s 3]

Art. 2603d. Board of Regents authorized to contract for completion of administration and library building. Sec. 1. That subject to and in accordance with the terms hereof, the Board of Regents of the University of Texas, is hereby authorized and empowered to complete the construction, furnishing and equipment of the "main" or administration and library building of the University of Texas, a part thereof being already under construction

Sec. 2. That in anticipation of the collection of the revenues hereinafter authorized to be pledged for the payment of the cost of construction, furnishing and equipment of said building the Board of Regents is empowered by resolution to authorize, sell and deliver its negotiable interest bearing notes or bonds from time to time and in such amount or amounts not in excess of One Million Two Hundred Thousand (\$1,200,000.00) Dollars, as it may consider necessary. Such notes or bonds shall be payable at such time or times not more than fifteen (15) years from date thereof, and at such place or places, shall be in such form and denominations, shall bear such rate of interest not more than four (4%) per cent, and shall be sold for such price and in such manner as the Board of Regents by resolution shall determine. Any notes or bonds issued hereunder shall not be an indebtedness of the State of Texas, but shall be payable solely from the revenues to be derived by the University of Texas from grazing and other surfaces leases of lands heretofore set apart and appropriated for the endowment, establish-

ment, maintenance, and support of the University of Texas, and said Board is empowered to pledge all or part of such revenues to the payment of such notes or bonds, and to enter into such contracts and agreements with respect to the collection and disposition of such revenues as it may deem necessary or proper. Any such agreements or contracts entered into by the Board of Regents shall be binding in all respects upon such Board of Regents and its successors from time to time, in accordance with the terms of such agreements, and all of the provisions thereof shall be enforceable by appropriate proceedings at law or in equity, or otherwise.

Sec. 3 That the Board of Regents may use a part of the proceeds of the sale of any notes or bonds issued hereunder for the purpose of furnishing and equipping, in whole or in part, the building herein authorized to be constructed

Sec 4 That all revenues pledged hereunder for the payment of notes or bonds issued under the terms of this Act shall as collected be paid directly to the Comptroller of the University The Board of Regents is authorized to select a depository bank as a place of deposit of such revenues and shall require adequate surety bonds or securities to be posted to secure the deposit of such revenues Any depository bank or banks so selected are hereby authorized to pledge their securities to protect such funds Separate accounts shall be kept on the books of the University showing the sources of all revenues so collected and the disposition made thereof

Sec 5 That all contracts or agreements heretofore entered into by the Board of Regents in furtherance of the purposes of this Act be and the same are hereby ratified, confirmed and validated in all respects as though this Act had been in effect at the time of making of such contracts or agreements. [Acts 1934, 43rd Leg., 2nd, C.S. p 94, ch 40.]

(2) ARCHIVES

(Vernon's Texas Civil Stats., 1935, v 1, p 405, Art 259-260)

(3) LAW LIBRARY

(Vernon's Texas Civil Stats., 1940 v 13, p 232, Art 4331b)

E. COUNTY LIBRARIES

(Vernon's Texas Stats., 1925, v 3, p 416-421, Art 1677-1682, 1684-1696, *Ibid* 1941, Suppl. p 207, Art 1683)

Art. 1677 **Authority to establish.** The commissioners' court of any county may establish, maintain, and operate within their respective counties, county free libraries in the manner and with the functions prescribed in this title. The said court shall also have the power and authority to establish in co-operation with another county or counties a joint free county library for the benefit of the co-operative counties [Acts 2nd. C.S. 1919, p 219.]

Art. 1678. Territory. The commissioners' court of any county may establish county free libraries for that part of such county lying outside of the incorporated cities and towns already maintaining free public libraries and for such additional parts of such counties as may elect to become a part of or to participate in such county free library system. On their own initiative, or when petitioned to do so by a majority of the voters of that part of the county to be affected, said court shall proceed to establish and provide for the maintenance of such library according to the further provisions of this title. The county library shall be located at the county seat in the courthouse, unless more suitable quarters are available [*Id*]

Art 1679. Tax for maintenance. After a county free library has been established, the commissioners' court shall annually set aside from the general tax fund of the county, a sum sufficient for the maintenance of said library, but not to exceed five cents on the hundred dollars valuation of all property in such county outside of all incorporated cities and towns already supporting a free public library, and upon all property within all incorporated cities and towns already supporting a free public library, and upon all property within all incorporated cities and towns already supporting a free public library which have elected to become a part of such free library systems provided in this title for the purpose of maintaining county free libraries and for purchasing property therefor [*Id*]

Art. 1680 Gifts and bequests. The commissioners' court is authorized and empowered to receive on behalf of the county any gift, bequest, or devise for the county free library, or for any branch or subdivision thereof. The title to all property belonging to the county free library shall be vested in the county, but where the gifts or bequests shall be made for the benefit of any branch or branches of the county free library, such gifts or bequests shall be administered as designed by the donor [*Id*]

Art 1681. Existing libraries In any county where a farmers' county library has been established as provided by former laws the same shall continue to operate as a farmers' county library, unless a county free library shall be established as provided for in this title, in which case the former shall merge with and become a part of the latter. [*Id.*]

Art 1682 Board of examiners. A commission is hereby created to be known as the State Board of Library Examiners, consisting of the State Librarian, who shall be ex officio chairman of the Board; the Librarian of the State University, who shall be an ex officio member; and three other well trained librarians of the State who shall at first be selected by the State Librarian and the Librarian of the State University. The term of each shall be for six years, one of the appointive members retiring every two years. His successor shall be chosen by the remaining members of the Board in executive session. The members of said board shall receive no compensation for their services except actual and necessary traveling expenses paid out of the State Library fund. Said Board shall arrange for an annual meet-

ing and for such other meetings as may be necessary in the pursuance of its duties. Said board shall pass upon the qualifications of all persons desiring to become county librarians in the State of Texas, and may in writing adopt rules and regulations not inconsistent with the law for its government and for carrying out the purposes of this title. [*Id.*]

Art. 1683. County Librarian. Upon the establishment of a county free library the Commissioners' Court shall biennially appoint a County Librarian who shall hold office for a term of two (2) years subject to removal for cause after a hearing by said Court. No person shall be eligible to the office of County Librarian unless prior to his appointment he has received from the State Board of Library Examiners a certificate of qualification for office; and when any County Librarian has heretofore received a certificate of qualification for office from the State Board of Library Examiners, and has served as County Librarian for any county in this State, said Librarian may be employed or re-employed by any county as Librarian without further examination and issuance of certificate from said State Board of Library Examiners. The County Librarian shall, prior to entering upon the duties of his office, file with the County Clerk the official oath and make a bond upon the faithful performance of his duties with sufficient sureties approved by the County Judge of the county of which the Librarian is to be County Librarian, in such sum as the Commissioners' Court may determine. [As Amended Acts 1935, 44th Leg, p.115, ch 41, s 1]

Sec. 1 Prerequisites for certification. No person shall be eligible for certification except one presenting as prerequisites actual successful library experience in a library of recognized standing and knowledge of library technique, six months or more experience in a county library approved by the Board, a good general education with not less than one year in college or its equivalent, and personal qualities requisite to successful work, in an administrative library position.

Sec. 2. Vote necessary. Certificates shall be issued only upon a favorable vote of at least three members of the Board.

Sec. 3 Application blank. Each applicant must fill out the printed application blank sent by the Chairman of the Board and must return it to the Chairman of the Board at least 14 days before the date set for the examination.

Sec. 4. Written examination. The applicant must pass a written examination on library economy and technique. Examination shall be held twice each year, in May and November, at the libraries of the members of the State Board of Library Examiners and under their supervision, or at the library and under supervision of some person designated. Certificates shall be dated May 31 and November 30 The date of the examination shall be chosen by the Chairman The written examination shall be passed upon by all members of the Board.

Sec. 5. Oral interview. An interview and an oral examination will be

given on the same days as the written examination by a member of the Board or some person designated by the Board. When an applicant is known to a member of the Board, who shall certify to other members that the applicant meets the personal qualifications required, this oral interview may be waived

Sec 6. Grades to certificates. The State Board of Library Examiners shall issue a certificate valid for two years unless within that period the holder of same becomes librarian of a county library. In this case the certificate becomes permanent. If the holder of a certificate does not become the librarian of a county library within two years after the date of issue of the certificate, said certificate expires two years after date issued. A new certificate may be obtained by taking the examination as provided in the rules of the Board. An applicant for certificate must make an average grade of 85 on all parts of the examination

Art 1684 Salary and expenses. The salary of the librarian and assistants shall be fixed by said court at the time they fix the salary of the appointive county officers. The county librarian and assistants shall be allowed actual and necessary traveling expenses incurred in the business of the library [*Id*]

Art. 1685 Duty of librarian. The librarian shall endeavor to give an equal and complete service to all parts of the county through branch libraries and deposit stations in schools and other locations where suitable quarters may be obtained, thus distributing printed matter, books, and other educational matter as quickly as circumstances will permit. The county librarian shall have the power to make rules and regulations for the county free library, to establish branches and stations throughout the county, to determine the number and kind of employees of such library, and, with the approval of the commissioners' court, to appoint and dismiss such employees. The county librarian shall, subject to the general rules adopted by the commissioners' court, build up and manage according to accepted rules of library management, a library for the people of the county and shall determine what books and other library equipment shall be purchased [*Id*]

Art. 1686 Report of librarian. The librarian of each county library shall, on or before the first day of October in each year, report to the Commissioners' court and to the State Librarian the operation of the county library during the year ending August 31st preceding. Such report shall be made on blanks furnished by the State Librarian, and shall contain a statement of the condition of the library, its operation during the year, and such financial and book statistics as are kept in well regulated libraries. [*Id.*]

Art. 1687 Supervision of library. The county library shall be under the general supervision of the commissioners' court. Such libraries shall also be under the supervision of the State Librarian, who shall, from time to time, either personally or by one of his assistants, visit the county free

libraries and inquire into their condition, advising with the librarians and said court and rendering such assistance in all matters as he may be able to give. [*Id.*]

Art. 1688. **Use of library.** Any white person of such county may use the county free library under the rules and regulations prescribed by the commissioners' court and may be entitled to all the privileges thereof. Said court shall make proper provision for the negroes of said county to be served through a separate branch or branches of the county free library, which shall be administered by a custodian of the negro race under the supervision of the county librarian. [*Id.*]

Art. 1689 **Funds for library.** All funds of the county free library shall be in the custody of the county treasurer, or other county official, who may discharge the duties commonly delegated to the county treasurer. They shall constitute a separate fund to be known as the county free library fund, and shall not be used for any other purposes except those of a county free library. Each claim against the county free library shall be authorized and approved by the county librarian, or in his absence from the county, by his assistant. It shall then be acted upon in the same manner as are all other claims against the county. [*Id.*]

Art. 1690. **Joinder with city.** After the establishment of a county free library the governing body of an incorporated city or town in the county, maintaining a free public library, may notify the commissioners' court that such city or town desires to become a part of the county free library system, and thereafter such city or town shall be a part thereof, and its inhabitants shall be entitled to the benefits of such county free library, and the property within such town or city shall be included in computing the amount to be set aside as a fund for county free library purposes. [*Id.*]

Art. 1691. **Contract with city.** The commissioners' court wherein a county free library has been established under the provisions of this title, shall have full power and authority to enter into contracts with any incorporated city or town maintaining a public free library, and such incorporated city or town shall through its governing body, have full power to enter into contracts with such county to secure to the residents of such incorporated city or town the same privileges of the county free library as are enjoyed by the residents of such county outside of such incorporated city or town, or such privileges as may be agreed upon in such contract, upon such consideration to be named in the contract as may be agreed upon, the same to be paid into the county library fund, and thereupon the residents of such incorporated city or town shall have the same privileges with regard to said county free library as are had by the residents of such county outside of such incorporated city or town, or such privileges as may be agreed upon by contract. [*Id.*]

Art. 1692. **Withdrawal of city.** The governing body of such incorporated city or town may at any time after two years notify the commissioners'

court that such city or town no longer desires to be a part of the county free library system and thereafter such city or town shall cease to participate in the benefits of such county free library system, and the property situated in said city or town shall no longer be assessed in computing the funds to be set aside for county free library purposes. The governing body of such city or town shall give the commissioners' court six months' notice and publish at least once a week for six successive weeks prior to either giving or withdrawing such notice in a county newspaper designated by the governing body, and circulated throughout such city or town, notice of such contemplated action, giving date and place of meeting at which such contemplated action is proposed to be taken [*Id*]

Art. 1693. **Contract with another county.** The commissioners' court of any county, wherein a county free library has been established under the provisions of this title, shall have full power and authority to enter into contracts or agreements with the commissioners' court of any other county to secure to the residents of such other county such privileges of such county free library as may, by contract, be agreed upon, the same to be paid into the county free library fund, and thereupon the inhabitants of such other county shall have the privilege of such county free library as may by such contract be agreed upon; and the commissioners' court shall have full power and authority to enter into a contract with the commissioners' court of another county wherein a county free library has been established, under the provisions of this title and shall have power to provide for and to set aside a county free library fund, in the manner already set out, for the purpose of carrying out such contract. But the making of such contract shall not bar the commissioners' court of such county from establishing a county free library therein, and upon the establishment of such county free library such contract may be terminated upon such terms as may be agreed upon by the parties thereto, or may continue for the term thereof [*Ib.*]

Art 1694 **Contract with established library.** Instead of establishing a separate county free library, upon petition of a majority of the voters of the county, the commissioners' court may contract for library privileges from some already established library. Such contract shall provide that such established library shall assume the functions of a county free library within the county with which the contract is made, including incorporated cities and towns therein, and shall also provide that the librarian of such established library shall hold or secure a county librarians' certificate from the State Board of Library Examiners. Said court may contract to pay annually into the library fund of said established library such sum as may be agreed upon, to be paid out of the county library fund. Either party to such contract may terminate the same by giving six months' notice of intention to do so. Property acquired under such contract shall be subject to

division at the termination of the contract upon such terms as are specified in such contract. [*Id.*]

Art. 1695 Combined counties. Where found to be more practicable, two or more adjacent counties may join for the purpose of this law and establish and maintain a free library under the terms and provisions above set forth for the establishment and maintenance of a county free library. In such cases the combined counties shall have the same powers and be subject to the same liabilities as a single county as provided in this law. The commissioners' courts of the counties which have combined for the establishment and maintenance of a free library shall operate jointly in the same manner as does the commissioners' court of a single county in carrying out the provisions of this law. If any county desires to withdraw from such combination it shall be entitled to a division of property in such proportion as agreed upon in the terms of combination at the time such joint action was taken [*Id.*]

Art 1696. Termination of library. A county free library may be dis-established upon petition of a majority of the voters of that part of the county maintaining a county free library, asking that said library system be no longer maintained. The commissioners' court upon the termination of existing contracts shall call in all books and movable property of the defunct county free library, and have same inventoried and stored under lock and seal in some dry and suitable place in the county courthouse. [*Id.*]

F. COUNTY LAW LIBRARIES

(Vernon's Texas Stats, 1941 Suppl v 3, p 207-210, Art 1702a, 1702b, 1702b1, 1702b2, 1702c)

Art 1702a County law libraries in certain counties; management. For the purpose of establishing a "County Law Library" there shall be taxed, collected, and paid as other costs the sum of One Dollar (\$1) in each case, civil or criminal, except suit for delinquent taxes, hereafter filed in every County or District Court, civil or criminal, in each county having eight (8) or more District Courts and three (3) or more County Courts including County Courts at Law. Provided, however, that in no case shall the county be liable for said cost in any civil or criminal cases. Such costs shall be collected by the clerk of the respective Courts, and when collected shall be paid to the County Treasurer, to be kept by him in a separate fund to be known as the "County Law Library Fund", such fund shall be administered by the Commissioners Court for the purchase, lease or maintenance of a law library, and furniture and equipment necessary thereto, in a place convenient and accessible to the Judges and litigants of such county, and for the payment of salaries to employees to be appointed by the Commissioners Court; the Commissioners Court of counties affected by this Act shall make rules for the use of books in said library, and shall provide suitable space and shelving for housing same.

The salary of the custodian or librarian and such other employees or assistants as may be necessary shall be fixed by the Commissioners Court and shall be paid out of the funds collected under this Act.

The Commissioners Court of such counties may vest the management of such library in a committee to be selected by the Bar Association of such county, but the acts of such committee shall be subject to the approval of the Commissioners Court. [Acts 1931, 42nd Leg., Spec.L. 457, ch.236, s.1; amended Acts 1941, 47th Leg., H.B. No.569, s.1.]

Art. 1702b. County law librarian certain counties. Sec 1. For the purpose of establishing "County Law Libraries" there shall be taxed, collected, and paid as other costs the sum of One Dollar (\$1) in each case, Civil or Criminal, except suit for delinquent taxes hereafter filed in every county and/or District Court, Civil or Criminal, in each county now or hereafter having three (3) or more District Courts one of which sits and has jurisdiction in not less than two (2) other counties and none of which have more than four (4) terms a year; provided, however, that in no event shall the county be liable for said costs in any Civil or Criminal case, such costs shall be collected by the Clerk of the respective Courts in said Counties and when collected, shall be paid by him to the County Treasurer to be kept by him in a separate fund to be known as the "County Law Library Fund"; such funds shall be administered by the Commissioners Court for the purchase and maintenance of a law library and the furniture and equipment necessary thereto in a place convenient and accessible to the Judges and litigants of such counties and for the payment of a salary to a librarian to be appointed by the Commissioners Courts; provided, however, that said counties shall not use the funds collected under the provisions of this Act for any other purposes except the purposes above indicated. The Commissioners Court of counties affected by this Act shall make rules for the use of books in said library and provide space for housing same.

The salary of the custodian or librarian herein provided for shall be fixed by the Commissioners Court and shall be paid out of the funds collected under this Act.

Sec. 2. This Act shall not have the effect of repealing or modifying any Act now in force respecting the establishment and maintenance of County Law Libraries in any county in this State but such Acts shall remain in full force and effect as to counties affected thereby. [Acts 1937, 45th Leg., p.602, ch.303.]

Art. 1702b-1. County law libraries in counties of 11,300 to 12,500 population and fulfilling certain other requirements; County Law Library Fund. For the purpose of establishing "County Law Libraries" there shall be taxed, collected, and paid as other costs in the sum of One Dollar (\$1) in each case, civil or criminal, except suits for delinquent taxes hereafter filed in every County and/or District Court in each county now having an area of not less than one thousand, one hundred and thirty (1,130) and not more

than one thousand, five hundred (1,500) square miles, and with a population according to the last Federal Census of not less than eleven thousand, three hundred (11,300) and not more than twelve thousand, five hundred (12,500), and whose county seat is in a city of not less than two thousand, two hundred (2,200) and not more than three thousand (3,000) according to the last Federal Census; providing, however, that in no event shall the County be liable for said cost in any civil or criminal case. Such cost shall be collected by the Clerk of the respective Courts in said county, and when collected shall be paid by him to the County Treasurer to be kept by him in a separate fund to be known as the "County Law Library Fund." Such funds shall be administered by the Commissioners Court for the purchase and/or maintenance of a law library, and for the furniture and equipment necessary thereto, the same to be placed in convenient and accessible quarters for the use of Judges and litigants of such counties.

For the purpose of protecting said libraries as hereinabove set out, the Commissioners Court may provide if necessary for a custodian or librarian appointed by said Commissioners' Court, and may fix salaries therefor, providing, however, that the counties come under the provisions of this Act and shall not use the funds collected for any other purposes except the purposes above set out.

The Commissioners Court of Counties affected by this Act shall make rules for the use of books in said libraries and provide space for housing the same. The salaries for custodian or librarian here provided for shall be fixed by the Commissioners Court and be paid out of the funds collected under this Act. [Acts 1939, 46th Leg., Spec L., p 614, s.1.]

Art. 1702b-2. County law libraries in counties of 50,000 to 78,000; County Law library fund. Sec. 1. The Commissioners Courts of all counties within this State, having a population of not less than fifty thousand (50,000) inhabitants nor more than seventy-eight thousand (78,000) inhabitants, according to the last preceding Federal Census, and in which there is located no Court of Civil Appeals, shall have the power and authority, by first entering an order for that purpose, to provide for, maintain and establish a county law library.

Sec. 2. For the purpose of establishing "County Law Libraries" after the entry of such order, there shall be taxed, collected, and paid as other costs the sum of One Dollar (\$1) in each case, civil or criminal, except suits for delinquent taxes, hereafter filed in every County or District Court; provided, however, that in no event shall the county be liable for said costs in any case. Such costs shall be collected by the Clerks of the respective Courts in said counties and paid by said Clerk to the County Treasurer to be kept by said Treasurer in a separate fund to be known as the "County Law Library Fund." Such fund shall be administered by said Courts for the purpose and maintenance of a law library in a convenient and accessible place, and said fund shall not be used for any other purpose.

Sec. 3 Said Courts are granted all necessary power and authority to make this Act effective, to make reasonable rules in regard to said library and the use of the books thereof, and to carry out the terms and provisions of this Act. [Acts 1939, 46th Leg Spec ,L. p.612.]

Art 1702c. Sec 1 **Law libraries in certain counties** The Commissioners' Court of all counties within this State, where said counties contain in excess of fifty-three thousand five hundred (53,500) and less than fifty-seven thousand (57,000) inhabitants shall have the power and the authority by an order for that purpose to provide for, maintain and establish a County Law Library.

Sec. 2. Said library shall be established and maintained by a trial fee which shall be assessed and collected as a part of the court costs in all cases filed in the County or District Courts in such counties and said trial fee which may not exceed One (\$1) Dollar in any case, shall be provided for by an order of the said Court, the amount of same shall be fixed by the said Court and an order to such effect be spread upon the Commissioners' Court Minutes in said Counties

Sec. 3. Said Commissioners' Court is granted all necessary power and authority to make this Act effective and to carry out the terms and provisions hereof [Acts 1939, 46th Leg , Spec.,L p 611]

G. MUNICIPAL LIBRARIES

(Vernon's Texas Stats , 1934, v.2, p 493, 497, Art 1015, *Ibid* p 691, Art 1175)

Art 1015 **Other powers.** The governing body shall also have power .

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33 **Libraries.** To establish a free library in such city or town , to adopt rules and regulations for the proper management thereof, and to appropriate such part of the revenues of such city or town for the management and increase of such free library as the municipal government of such city or town may determine.

Art 1175. **Enumerated powers.** Cities adopting the charter or amendment hereunder shall have full power of local self-government, and among the other powers that may be exercised by any such city the following are hereby enumerated for greater certainty .

* * * * *

15 To have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary; to take any private property within or without the city limits for any of the following purposes; * * * libraries, * * * The power of eminent domain hereby conferred shall include the right of the governing authority, when so expressed, to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes [Acts 1913, p.307; Acts 1921, p 169.]

H. SCHOOL LIBRARIES

(Texas General Laws, 1925 reg sess., p 293, ch 113, s.2)

I. MISCELLANEOUS PROVISIONS**(1) CERTIFIED COPIES**

(Vernon's Texas Stats., 1926, v 11, p 398, Art 3731)

Art 3731 (3707) (2315) (2259). Certified copies from heads of departments. Certified copies, under the hands and official seals of the heads of departments, of all notes, bonds, mortgages, bills, accounts, or other documents, properly on file in any department of this state, shall be received in evidence on an equal footing with the originals, in all suits now pending, or which may be hereafter instituted, in this state, where the originals of such notes, bonds, mortgages, bills, accounts or other documents would be evidence. [Acts 1870, p 62, P D 6825, G L Vol 6, p 236]

(2) EXEMPTION FROM FORCED SALE

(Vernon's Texas Stats., 1926, v 12, p 111, Art 3838)

Art 3838 (3791) (2400) (2340) Public libraries. All public libraries shall be exempt from attachment, execution and every other species of forced sale

(3) BOOKS RECEIVED BY SECRETARY OF STATE

(Vernon's Texas Stats., 1940, v 13, p 231, Art 4331, s 9)

Art 4331 (4304-5-6-7-8-13-17-18) General duties. Among other duties the secretary of state shall

* * * * *

9 Turn over to the person in charge of the State Library, immediately upon their receipt, all books, maps, charts or other publications of a political or miscellaneous character received at his office, and all printed volumes of the statutes or laws of any Nation, State or Territory, and in like manner turn over to the Supreme Court Librarian all volumes of reports of any courts of any other Nation, State or Territory received by him

(4) TAX EXEMPTION

(Vernon's Texas Stats., 1939, v 20, p 215, Art 7150)

Art 7150 (7507) (5065) Exemption from taxation. The following property shall be exempt from taxation, to-wit

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8 Public libraries. All public libraries and personal property belonging to the same [Acts 1910, S S. p 122.]

(5) PROTECTION OF LIBRARY PROPERTY

(Vernon's Texas Stats., (Penal Code) 1926, v 3, p.52, Art.1366-1367.)

Art. 1366. Injuring or defacing library property. Whoever wilfully injures or defaces any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public library, reading room, museum, or other educational institution, by writing, marking, tearing, breaking, or otherwise mutilating, shall be fined not exceeding twenty-five dollars. [Acts 2nd. C S. 1919, p.155.]

Art. 1367. Detaining book, etc. Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading room, museum or other educational institution for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution such property may be kept, shall be fined not less than one nor more than twenty-five dollars [Acts 1913, p 281.]

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A. STATE LAW LIBRARY

(Utah Rev. Stats. 1933, p 369, 370, 639-640, s 20-2-11, 20-2-16, 51-1-1 to 51-1-12; *Ibid.* p 450, s 28-1-4

Sec 20-2-11. **Librarian of state library; to distribute volumes of reports.** The clerk [of the supreme court] shall act as librarian for the state; he shall take charge of, keep and preserve the state library as provided by law. As soon as he receives the bound reports of the decisions of the supreme court, he shall distribute a sufficient number as follows: to the library of congress and to the state law library, each two copies; to such of the states and territories of the United States as will exchange reports with this state, each one copy; to the governor, to the United States district judge for this state, to the justices of the supreme court, to the judges of the district courts, to the attorney-general, to district attorneys, to county attorneys, each one copy; and to clerks of the district courts, each one copy for each division of the district court in his county [C L. 17, s 1652; L.21, p.360, s.5695.] (16.)

Sec 20-2-16. **Bailiffs and assistant librarian.** The [Supreme] court may also appoint and remove at pleasure the necessary bailiffs to attend the court, and to perform such other duties and execute such orders as may be directed or made by the court. The Court may also appoint and remove at pleasure an assistant librarian, who shall perform such duties as the court may order or direct, and who shall receive a salary of \$750 annually, to be paid monthly out of the state treasury. [C.L. 17, s.1659.]

Sec. 51-1-1. **Board of control.** The governor, secretary of state and

the justices of the supreme court shall constitute the board of control of the state library [C.L. 17, s.3699.]

Sec 51-1-2. **Open to public; rules and regulations; penalty.** The public shall have access to the state library. The board of control may make such rules and regulations not inconsistent with the provisions of this chapter as it may deem proper for its use, and may prescribe and enforce penalties for any violation thereof, which shall be collected in the same manner as penalties for the nonreturn or injury of any book [C L 17, s 3700]

Sec. 51-1-3. **Withdrawing books; limited rights.** Books may be taken from the state library by members and officers of the legislature, the officers of the executive departments and of the several boards and commissions of the state government, justices of the supreme court and the judges of the district courts, but no other person shall be permitted to withdraw any book from the library [C.L. 17, s 3701]

Sec 51-1-4 **Id. Time limit; register of books withdrawn.** The state librarian shall keep a register of all books issued and returned, showing to whom issued, by whom returned, and the time issued and returned. No book taken from the library shall be detained more than ten days, except when taken for the use of officers and members of the legislature while it is in session, and all books so taken shall be returned at the close of the session [C L 17, s.3702.]

Sec 51-1-5 **Injury to and failure to return books; liability; action.** If any person injures or fails to return any book taken from the library he shall pay to the librarian for the use of the library all loss or damage sustained thereby including costs and reasonable attorneys' fees for collecting the same, to be recovered in an action in the name of the state, and it shall be the duty of the librarian in behalf of the state to bring action for the collection of all damages so sustained and all penalties imposed. [C L. 17, s 3703]

Sec 51-1-6 **Annual report by librarian.** On or before the 1st day of October in each year the librarian shall report to the governor the condition of the library, stating the number of volumes contained therein, the number purchased during the preceding year and the cost thereof, the number received by donation, the number injured or not returned, if any, and the amounts received in compensation therefor, and such suggestions and further information as may be deemed by him desirable [C L 17, s 3704.]

Sec 51-1-7. **Catalogue; rules to be posted.** The librarian shall catalogue all books, pamphlets, maps, charts, globes, papers, apparatus, and valuable specimens in the library and shall post in some conspicuous place a copy of the rules and regulations of the library. The catalogue shall be printed and distributed to the officers entitled to withdraw books from the library [C.L. 17, s 3705.]

Sec. 51-1-8. Books to be stamped and labeled. The librarian shall cause every book in the library to be labeled with printed or stamped label containing the words "Utah State Library," and shall cause the same words to be written or stamped on one or more pages of each volume. [C.L. 17, s.3706]

Sec 51-1-9. Sale and exchange of books. The board of control of the library may sell or exchange any surplus or duplicate sets of books in the library and use the money arising from such sale in purchasing other books for the library. [C.L 17, sec. 3707.]

Sec 51-1-10. Liability of librarian. If the librarian permits any person not authorized by this chapter to take a book from the library, he shall be liable to pay a fine of not less than \$5 nor more than \$50 for each book so taken [C L 17, s 3708]

Sec 51-1-11 Wrongful withdrawal of books; penalty. If any person not authorized by this chapter takes a book from the library, either with or without the consent of the librarian, or violates any of the provisions of this chapter, he shall be fined in any sum not less than \$10 nor more than \$50 for each book so taken [CL. 17, sec 3709]

Sec 51-1-12. Disposition of fines and penalties. All fines and penalties collected pursuant to the provisions of this chapter shall be paid into the state treasury for the benefit of the state library [C L 17, s.3708]

Sec 28-1-4 Fees of clerk of supreme court. The clerk of the supreme court shall receive the following fees

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For certificate of admission as attorney and counselor, \$25, \$15 of which shall be retained by the state treasurer as a special fund for the benefit of the state library, to be expended by the board of control * * * [C L 17, s.2513]

B. STATE HISTORICAL SOCIETY

(Utah Rev Stats , 1933, p 1004, s 85-5-1 to 85-5-5)

Sec. 85-5-1 Created a state institution. The state historical society of Utah is continued as a state institution, with full power to carry out the objects and purposes for which it was organized. [C L. 17, s 5357]

Sec 85-5-2 Records of historical value; to be custodian. The said society shall be custodian of all records, documents, relics, and other material of historic value, which are now or hereafter may be in charge of any state, county, or other official not required by law to be kept as a part of the public records, ten years after the current use of same or sooner in the discretion of the heads of such departments; and copies thereof when made and certified by the secretary of said society under seal shall have the same force and effect as if made by the original custodians. [C.L. 17, s.5358.]

Sec. 85-5-3. Id. to catalogue, arrange and display. The said society shall keep all collections made by it in suitable and convenient rooms to be provided by the secretary of state or the board of regents of the University of Utah, and shall properly catalogue, arrange, and display the same for the use of the public. [C.L. 17, s.5359.]

Sec. 85-5-4. Accounts and reports. The board of control of said society shall keep a correct account of funds received and disbursed by it, and shall make reports to the governor as in the case of other state institutions. [C.L. 17, s.5360.]

Sec. 85-5-5. Board of control; number and term; executive officers; term. The board of control of said society shall consist of ten members who shall serve without pay. Members of said board shall be appointed for a term of four years and until their successors are appointed and qualified. Such board is authorized to transact the business and exercise the corporate powers of the society. The board of control shall choose a president and a vice-president from its own members. It shall also choose a secretary, a treasurer and a librarian, who shall each serve for two years [L.25, p.8, s.5357x.]

C. LIBRARY PROMOTION BY STATE BOARD OF EDUCATION

(Utah Rev. Stats 1933, p 777, s 75-7-9)

Sec. 75-7-9. Promotion of libraries and gymnasiums. The state board of education shall promote the establishment of libraries and gymnasiums throughout the state, and may call to its assistance expert help to promote the same whenever needed. The actual and necessary traveling expenses incurred by such help may be paid from money appropriated for that purpose. [L.25, p 148, s.4505.]

D. STATE LIBRARY FOR THE BLIND

(Utah Rev. Stats 1933, p 1002, s 85-3-18)

Sec 85-3-18. Id. Powers and duties of trustees. * * * [The trustees of the Utah School for the blind] shall also provide a circulating library, for the blind of the state [L.21, p.45, s 430]

E. STATE PRISON LIBRARY

(Utah Rev. Stats. 1933, p.1026, s 85-9-52)

Sec. 85-9-52. Prison library. The prison library for the use of the convicts shall be maintained under such regulations as the board may make. [C.L. 17, s.5499.]

F. DISTRIBUTION OF PUBLIC DOCUMENTS

(Utah Rev Stats 1933, p 1048, s 87-3.3)

Sec. 87-3-3 Copies of acts of legislature; to distribute.

Immediately after the laws, resolutions and journals mentioned in subdivision (9) of the preceding section are bound, the secretary of state must distribute them as follows :

(1) To each department of the government at Washington and of the government of this state, one copy.

(2) To the library of congress and the state law library, two copies each.

(3) To each of the states and territories, one copy.

(4) To the United States district judge for this state, to each of the judges of the supreme and district courts, and to each of the state officers of this state, one copy.

(5) To each member of the legislature and to the secretary of the senate and the chief clerk of the house of representatives at the session at which such laws were adopted, one copy.

(6) To the incorporated colleges of the state and to the university of Utah, each one copy.

(7) To the county clerk of each county, nine copies for the use of the county.

(8) To each district attorney, one copy; to each county attorney, one copy; and to each clerk of the district court, one copy for each division of the district court in his county.

(9) To each free public library in the state, one copy, to be furnished on the application of the librarian. [C.L. 17, s.5696.]

G. COUNTY LIBRARIES

(Utah Rev Stats 1933, p 642-643, s 51-3-1 to 51-3-8)

Sec. 51-3-1. **Tax for.** The county commissioners may levy annually a tax not to exceed one mill on the dollar on all taxable property in the county, outside of cities exceeding 20,000 inhabitants, for the establishment and maintenance of county public libraries; provided, that upon a petition for such library by 10 per cent of the taxpaying electors of the county, outside of cities exceeding 20,000 inhabitants, the county commissioners shall levy said tax; provided, further, that the amount accruing from such tax from municipalities maintaining free public libraries shall be turned over to their local boards. [L.19, p.245, s.1.]

Sec. 51-3-2. **Id. set apart as special fund.** The tax authorized by the preceding section shall be levied and collected at the same time and in the same manner as other county taxes are levied and collected. The whole amount so collected, except as provided in the last section, shall be set apart and designated the county library fund, and shall not be used for any purposes except those of the county library. [L.19, p.245, s.2.]

Sec. 51-3-3. **Directors; term; powers; officers.** The control and use of the library fund shall be intrusted by the county commissioners to five competent and responsible citizens of the county, including one county

commissioner, the mayor of any city or president of the board of trustees of any town in which the central library is located, and three other members to be appointed by the county commissioners, who shall constitute the board of directors of the county library, provided, that the county library board may establish and maintain branches and designate as a branch of the county library system any existing library within the county, the latter action to be permissive only upon written application from the library board of said library which is to be included as a branch of the county library system. As soon as appointed they shall organize and elect from their number a president, a secretary and a treasurer. Members shall serve without compensation. The three directors first appointed by the county commissioners shall hold office, one for one year, one for two years, and one for three years, from the 1st day of July following their appointment. Annually thereafter the county commissioners shall, before the 1st day of July, appoint one director to take the place of the retiring director, who shall hold office for three years and until his successor is appointed. The county commissioners may remove any director for misconduct or neglect of duty. The board of directors shall control and disburse the funds for the use of the library and branches from whatever source derived, shall have custody of all its books and other property, and shall have the power to purchase books and periodicals, and all necessary equipment, and direct all of its affairs. The board is authorized to receive gifts of real estate, money or books, in aid of the establishment or maintenance of the library and any branches thereof, and as to such property the board shall be held and considered special trustee. The board may purchase, sell and convey real estate and personal property for and on behalf of the county library and branches thereof [L 19, p.245, s 3]

Sec. 51-3-4 Library funds; custody and payment out of. All county library money shall be held by the county treasurer and kept as a separate fund, and shall be deposited in the public depositories and all interest thereon shall be credited to the library fund, provided, that the library board may invest any gift or bequest in interest bearing securities. The county auditor shall issue his warrant to the county treasurer to pay out library funds for library purposes only, and only upon requisition of the president of the library board, countersigned by the secretary thereof. The president and secretary shall issue requisitions only upon verified, itemized bills, certified as to correctness by the librarian. [L.19, p.245, s.3.]

Sec 51-3-5 Directors to determine and certify rate of tax levy. The library board shall determine the rate of tax levy necessary to establish, increase, equip and maintain the library and certify the same to the board of county commissioner; provided, that such levy shall not exceed in any year one mill on each dollar of all the taxable property of the county. [L.19, p 245, s.3.]

Sec. 51-3-6. Librarian and assistants. The board of directors shall ap-

point a competent person as librarian to have immediate charge of the library, with such duties and compensation for services as they shall fix and determine. The librarian shall nominate and the board shall appoint such assistants as are needed to render proper service. [L 19, p.245, s.4.]

Sec. 51-3-7. Use to be free; subject to rules. Every library established and maintained under the provisions of this chapter shall be free to all residents of the county, on condition that such persons comply with such rules and regulations for the safety and management of the library as the board of directors shall prescribe. In the management of the library provision shall be made for the convenient use, under suitable regulations, of the books thereof by the residents of the county residing out of the city wherein the library is situated [L 19, p.245, s 5]

Sec 51-3-8 Records to be kept; annual report. The board of directors and the librarian shall keep a careful record of all proceedings, with duplicate vouchers for all expenditures, one set of such vouchers to be kept in the library, the other to be filed with the county commissioners at the end of each calendar year. The board of directors and librarian shall also at the end of each calendar year make a complete report to the county commissioners, and state board of education, of the operation of the library during the previous twelve months, including finances, statistics, books, and the use of the library [L 19, p 245, s 6]

H. MUNICIPAL LIBRARIES

(Utah Rev Stats 1933, p 640-641, s 51-2-1 to 51-2-12)

Sec 51-2-1 In first and second class cities; tax. The governing body of each city of the first and the second class may establish and maintain public libraries and reading rooms for the use and benefit of the inhabitants. For that purpose cities of the first class must levy annually a tax of one-third of one mill on the dollar, and may levy a tax of not to exceed two-thirds of one mill on the dollar, and cities of the second class may levy a tax of not to exceed one mill on the dollar, on all taxable property in the city, such tax to be levied and collected in the same manner as other general taxes of said city, and shall constitute a fund known as the library fund, provided, that no such tax shall be levied in the first instance in any city of the first class until a petition therefore, signed by at least one thousand qualified voters and property taxpayers, residents therein, shall have been filed with the governing body, nor in any city of the second class upon such petition, signed by at least two hundred and fifty qualified voters and property taxpayers, residents therein, shall have been so filed [C L 17, s 3710]

Sec. 51-2-2. Id. directors. When the governing body in any city of the first or of the second class decides to establish and maintain a public library and reading room under the provisions hereof, it shall appoint a board of

nine directors for the same, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the governing body shall be at any one time a member of such board. Directors shall serve without compensation. [C.L. 17, ss.3711, 3713.]

Sec. 51-2-3. **Id. Term; removal.** Directors shall hold office as follows: Three for one year, three for two years, and three for three years, from the 1st day of July following their appointment, and at their first regular meeting shall cast lots for the respective terms. Annually thereafter the governing body shall before the 1st day of July each year, appoint, as before, three directors to take the place of the retiring directors, who shall hold office three years, and until their successors are appointed. The governing body may remove any director for misconduct or neglect of duty. [C.L. 17, s.3712.]

Sec. 51-2-4 **Id. vacancies.** Vacancies in the board of directors occasioned by removals, resignations or otherwise shall be reported to the governing body and shall be filled in like manner as original appointments. [C.L. 17, s.3713.]

Sec. 51-2-5. **Id. organization; rules; powers; funds.** Directors shall immediately after appointment meet and organize by the election of one of their number as president, and by the election of such other officers as they deem necessary. They shall make and adopt such by-laws, rules and regulations, not inconsistent with law, for their own guidance, and for the government of library and reading room, as may be expedient. They shall have the exclusive control of the expenditure of all moneys collected for the benefit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms, and buildings constructed, leased, or set apart for that purpose; provided, that all moneys received for such library shall be deposited in the treasury to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and shall be drawn upon by the proper officers of such city upon the properly authenticated vouchers of the library board. The board may purchase or lease grounds, lease or erect appropriate building or buildings for the use of the library, appoint a librarian and necessary assistants and fix their compensation, remove such appointees at will and in general carry out the spirit and intent of the provisions of this chapter. [C L. 17, s.3714.]

Sec. 51-2-6. **Use to be free; subject to rules.** Every library and reading room established under this chapter shall be forever free to the use of the inhabitants of the city where located, subject, however, to such reasonable rules and regulations as the library board may adopt in order to render the use of the library and reading room of the greatest benefit to the greatest number; and the board may exclude from the use of the library and reading room any and all persons who shall wilfully violate such rules.

The board may extend the privileges and use of such library and reading room to persons residing outside of such city, but in the state, upon such terms and conditions as said board may from time to time by its regulations prescribe. [C.L. 17, s.3715.]

Sec. 51-2-7. Annual report of directors. The directors shall make, on or before the second Monday in June, an annual report to the governing body of the city, stating the conditions of their trusts on the 1st day of June of that year, the various sums of money received from the library fund and from other sources, and the amount of money expended, and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift or otherwise, during the year; the number of books lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; and such other statistics, information, and suggestions that they may deem of general interest. All such portions of such report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit. [C.L. 17, s.3716.]

Sec. 51-2-8. Injury to library property; penalty. The governing body of the city may pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or other property thereof, and for injury to, or failure to return, any book to such library [C.L. 17, s.3717.]

Sec. 51-2-9. Donations to library. Any person desiring to make donations of money, personal property, or real estate, for the benefit of such library shall have the right to vest the title to the money or real estate so donated in the board of directors thereof, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to such property, the board shall be held and considered to be special trustees. [C.L. 17, s.3718.]

Sec. 51-2-10. In third class cities and towns; tax. When ten per cent of the legal voters of any city of the third class or incorporated town shall present a petition to the city council or town board of trustees, asking that a public library be established and maintained, or that a public library and in connection therewith a gymnasium be established and maintained, and shall specify in their petition a rate of taxation not to exceed two mills on the dollar for the establishment and maintenance of such public library, or not to exceed two and one-half mills on the dollar for the establishment and maintenance of a public library and gymnasium in connection therewith, the city council or board of trustees, as the case may be, shall call an election to determine such question, and a majority vote of the electors being property tax payers in such city or town, voting shall determine the question of levying such tax in any amount not to exceed the rates named in this section, and such town or city is authorized to

establish and maintain a free public library or a free public library with a public gymnasium, in accordance with the prayer of such petition. If a majority voting at such election vote for a free public library to be established, the city council or board of trustees may levy a tax not to exceed two mills on the dollar or, if a public gymnasium is established in connection with a public library, they may levy a tax not to exceed two and one-half mills on the dollar, on all taxable property within such city or town. Such tax shall be assessed and collected at the same time during each year that other municipal taxes are assessed and collected, and it shall be known as the "Library Fund," or the "Library and Gymnasium Fund," as the case may be. When a library is established under the provisions of this section the city council or board of trustees shall have all the power and authority conferred on city councils of the first and second classes under the provisions of this chapter. [L 19, p.248, s 3719]

Sec 51-2-11 **Id. directors; term; powers.** When the city council or board of trustees of any city of the third class or incorporated town shall have established a public library or public library and gymnasium as herein provided, the mayor of such city or president of board of trustees of such town shall, with the approval of the city council or the board of trustees, immediately appoint six directors who, in connection with the mayor of such city or the president of the board of trustees of such town, shall constitute the board of directors of such library or library and gymnasium, whose terms of office shall be six years, except the first appointees who shall be appointed two for two years, two for four years and two for six years, so that thereafter the terms of office of two members of the board of directors shall expire every two years. Such board of directors shall have all the powers conferred by this chapter upon directors created for the management of public libraries in cities of the first and second class, and shall serve without compensation [C L. 17, s.3720]

Sec 51-2-12. **Id. cooperation with school districts.** The city council of a city of the third class or the board of trustees of an incorporated town, and the board of education of any school district in which such city or town is located are hereby authorized to cooperate in the establishment of a free public library, and to contract between themselves as to the proportion that such city or town and school district shall pay toward the establishment and maintenance of such public library [C L 17, s.3721.]

I. SCHOOL LIBRARIES

(Utah Rev Stats 1933, p 787, s 75-11-20)

Sec. 75-11-20 **Further powers of boards of education.** Every board of education shall have power * * * to establish and support school libraries * * * [L.29, p.60, s 4617; C L.17, s 4681.]

Requirements for certification of school libraries, 1939.

(Utah State Board of Education. *Requirements for Certification of Super-*

intendents, Supervisors, Teachers, School Librarians, and Coordinator. August 1, 1939.)

Superintendents, supervisors, principals, teachers, coordinators, and school librarians engaged in the public schools of Utah must hold valid certificates issued in accordance with the regulations of the Utah State Board of Education

School Librarian's certificates.

The Board issues two classes of librarian's certificates, namely, a first class and a second class. The first class certificate is a five year certificate; the second class certificate is a two year certificate. These certificates are issued on the qualifications listed below.

First Class Librarian's Certificate.

By September 1, 1937, beginning librarians will be required to hold first class school librarian's certificates. An applicant for a first class librarian's certificate is required to have at least three years (135 hours) of college credit, including the prescribed credits for the general elementary school teaching certificate * * * and eighteen hours in library science and English and American Literature, at least seven and one-half hours of which shall be in library science.

Second Class Librarian's Certificate (A Two Year Certificate).

Experienced school librarians who are satisfactorily recommended by their local school officials may secure a second class certificate, on seven and one-half hours of credit on new work. This second class certificate may be renewed on seven and one-half hours of credit in new work each succeeding two years until the holder has sufficient credit for the first class certificate. Credit for the second class certificate and for the renewals shall be in the following subjects and groups of subjects, earned as nearly as may be, in the following order.

- Library Science
- Use of Books
- Freshman English
- English and American Literature
- Education and Educational Psychology
- History and Political Science
- Sociology
- General Academic Subjects

NOTE—Since these Requirements are subject to annual revision, those persons desirous of qualifying for Librarian's Certificate should check with the Certification Committee of the State Board of Education

J. TAX EXEMPTION

(Utah Rev. Stats. 1933, p 884, s 80-2-1)

VERMONT

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A. STATE LIBRARY

(1) GENERAL PROVISIONS

(Public Laws of Vermont 1933, p 684-685, 130, 1468, s 4113-4121, 367-368, 8924.)

Sec. 4113. Contents; trustees. The state library shall consist of such books, maps, charts and other documents, as are received or acquired by the state or a public officer for the use of the state, and shall be under the direction of ten trustees, four of whom shall be ex officio trustees, three state trustees and three resident trustees. The governor, chief justice of the supreme court, commissioner of education and president of the Vermont Historical Society shall be ex officio trustees. [1929, no.9, s.1.]

Sec. 4114. Trustees' powers. The trustees shall have power:

- I To fill vacancies in the offices of state and resident trustees;
- II. To appoint and remove a secretary, who shall also act as librarian;
- III. To prescribe rules and by-rules for the government of the library;
- IV. To expend the money appropriated for the library;
- V. To sell or exchange imperfect or duplicate books belonging to the library;
- VI To make domestic and foreign exchanges of books for the benefit of the library, and, for this purpose, one hundred copies of each publication by the authority of the state shall be deposited in the library. [G.L. s.333.]

Sec. 4115. Quorum of trustees. For the appointment of secretary and librarian and for the adoption of rules and by-laws, six members shall be a quorum; for the election to fill vacancies in the board of trustees, four

members shall be a quorum; and for the transaction of ordinary business, any three members present shall be a quorum. [G.L. s.334.]

Sec. 4116. Trustees' duties. The trustees shall report biennially to the general assembly, accessions to the library and exchanges made and, generally, as to transactions concerning the library; shall make, as often as they deem expedient, a catalogue of books, maps, medals, etc., in the library, which catalogue shall be printed and the expense thereof paid by the state on bills audited by the auditor of accounts; shall prescribe the duties of the secretary and librarian; shall provide for keeping the books of the state library accessible for consultation during such portion of the year as they think the public good requires; shall have general supervision of the management of the library; and shall distribute the judicial reports, laws, journals and other documents as provided by law in cases where such distribution is not made by some other person. [G L. s 335.]

Sec. 4117. Service without compensation. Said trustees shall not receive compensation for their services. [G.L. s.336.]

Sec. 4118. Assistants; employees. The state librarian may, subject to the approval of the trustees of the state library, employ a first assistant librarian to serve throughout the year, and such other assistants and employees as said librarian and trustees deem necessary. [1921, no.13, s.1.]

Sec. 4119 Funds available for assistance. A sum not to exceed six hundred dollars of the moneys annually available for the use of the state library may be used for the purpose of procuring extra assistance in the state library during the sessions of the supreme court and whenever deemed necessary by the librarian or his first assistant. An account of such expenditures shall be kept and, when approved by the librarian or said assistant, shall be audited by the auditor of accounts, who shall draw orders therefor. [G L 338]

Sec. 4120. Rules; penalty for violating. A person who violates the rules prescribed by the trustees shall pay the state, for the benefit of the library, the several penalties prescribed by such rules; which penalties may be recovered in an action of tort, on this statute [G L s 339]

Sec. 4121. Purchase of books; audit. Such part of the moneys annually available for the use of the state library as the trustees shall determine may be expended under the direction of said trustees in the purchase of books, maps, documents and historical works for the library, and an account of such expenditures shall be kept and shall be audited by the auditor of accounts, who shall issue warrants for the same. [1921, no 13, s 2.]

Sec. 367. Legislative reference librarian; appointment; supervision. The trustees of the state library shall appoint a legislative reference librarian who shall have charge of a legislative reference bureau. Said bureau shall be maintained in connection with the state library; and said librarian shall, under the supervision of the said trustees, perform the duties pertaining to such bureau. [1921, no 13, s.3]

Sec. 368. Duties of librarian. Such legislative reference librarian shall

collect, arrange, index and place on file for the use of state officers, members and committees of the general assembly, and the public, such books, pamphlets, clipping, exchanges and other material relating to legislation as may be possible, shall make available for ready reference such information as is contained in the public documents of the state, including senate and house journals, keep an index of all bills printed by order of either house of the general assembly, prepare abstracts of laws in other states and furnish any data available regarding the result of such laws in actual practice, together with references to judicial decisions upon and interpretations of such laws. Such librarian shall furnish such other information respecting legislative matters as may be useful and necessary to the members of the general assembly and shall make available such current information as will make all such data of present value. He shall cooperate with the board in any exigency requiring a third member or when a member of said board is temporarily unable to perform the duties of his office. [G L. s 343.]

Sec. 8924 **State librarian.** The annual salary of the state librarian and the legislative reference librarian and their assistants and employee shall be fixed by the trustees of the state library, with the approval of the governor [G L 344, 7355]

(2) RULES AND BY-LAWS OF THE VERMONT STATE LIBRARY

1 **Trustees; meetings of.** The trustees shall hold regular meetings quarterly on the second Tuesday in January, April, July and October of each year. Such special meetings as may from time to time be found necessary or convenient shall be called by the secretary of the board at the request of the governor, or of two or more trustees.

2 **Committee on library.** There shall be a committee on library, consisting of three trustees to be appointed annually by the governor, acting as chairman of the board of trustees. It shall be the duty of this committee, with the librarian and the first assistant librarian, to purchase books, maps, charts, documents and other property for the library, to sell or exchange the same, and perform such other duties in connection with the maintenance of the library as may be essential to keep it at all times an up-to-date, efficient library.

3 **Librarian; duties of** The librarian shall have charge and custody of all such books, maps, charts, documents and other property as constitute the library, and every book placed on the shelves of the library shall be stamped on the outside, and inside if practicable, with the words, "Vermont State Library," in such a manner as to be indelibly inscribed. He shall cause proper indexes and catalogues of all matter in the library to be prepared and kept. He shall recommend to the committee on library books, maps, charts and documents for purchase and shall recommend such sales and exchanges as he deems proper. He shall have the immediate management and oversight of the library and its employees and shall carefully preserve the books and all other property belonging to the library, and

shall perform such other duties as may be required from time to time by the trustees.

The librarian shall keep records in which shall be entered all books taken from the library and shall keep a record of all the transactions of the library in the purchase and exchange of books, and also of all the expenses of the library, for the examination of the trustees and the committee on library.

The librarian, in the discharge of his duties, shall in all matters be subject to the board of trustees of the library; he shall also act as secretary of the board of trustees, and shall keep a full record of their proceedings

4. **First assistant librarian; duties of.** The first assistant librarian, in case one is appointed, shall assist the librarian in the performance of his duties and shall act as librarian in the absence or incapacity of the librarian and shall perform such other duties as may from time to time be required of him by the trustees.

The librarian, or in his absence or incapacity, the first assistant librarian, in case there be one, with the approval of the trustees, may employ such clerks, catalogers, stenographers and other assistants as may be necessary, all of whom shall be under the control and direction of the librarian

5 **Library hours.** The library shall be open each day, except Sundays and holidays from 8:00 o'clock a m to 12 noon and with the further exception of Saturday, from 1 00 o'clock to 5 o'clock p m , or such days and hours as may apply to all other state offices During sessions of the legislature and of the supreme court, the library shall also be kept open from 12 noon to 1 00 o'clock p m and evenings from 7 :30 to 9 .30 The librarian or an assistant shall be present at all times when the library is open and no person shall be allowed access to the library except in the presence of the librarian or an assistant

6 **Withdrawals of books.** With the exception of such books as are withheld from circulation, books may be taken from the library by state officers, members of the bar of the supreme court of the state, public libraries and citizens of the state under such reasonable regulations as the state librarian may prescribe with the approval of the board of trustees.

Individual citizens should register and furnish satisfactory reference with the state library or borrow through their nearest free public library Except in the case of books borrowed by state officers for official use, the borrower pays all transportation charges

Every person taking books shall be responsible for their return in proper condition and agreeable to the rules of the library. No book shall be taken from the library until the same has been charged to the person taking it. Unless otherwise stated by the librarian, loans of books are for not over two weeks but are subject to recall by him at any time

7 **Amendments.** Amendments to these by-laws may be made by filing a copy of the proposed amendment with the secretary of the board who shall incorporate the same in the notice for the next regular meeting at which time the same shall be acted upon.

B. VERMONT HISTORICAL SOCIETY

(Public Laws of Vermont 1933, p.685, s.4123-4126.)

Sec. 4123. **Members and curators ex officio.** The secretary of state, auditor of accounts and the state librarian shall be, by virtue of their offices, members of the Vermont Historical Society and of the board of curators thereof. [G.L. s.351.]

Sec. 4124. **Custodian; appointment, duties, salary.** The president of such Society and the state librarian shall employ a custodian who shall have charge of the collection of the Society and such historical books and documents of the state as shall be placed therewith for use. The president and librarian, with the approval of the governor, shall fix the salary of the custodian. [1925, no.10, s.1.]

Sec. 4125. **Manner of expending funds.** The sum annually available for such Society shall be expended under the direction of the president and librarian for the purchase of books, pamphlets and manuscripts relating particularly to the history of Vermont and for such other historical material as in their judgment may be deemed best, for the publication of its proceedings including other matters of historical importance, for the payment of the salary of the custodian, for procuring portraits of deceased governors and lieutenant governors not now possessed by the state and for binding and preserving by properly mounting or framing books, documents and other property of such Society. [1925, no 10, s 2, G L s.349]

Sec 4126 **Disposition of books, etc.** When such Society is dissolved, the books, collections and property thereof shall become the property of the state. Such Society shall not sell or dispose of any part of its books or collections, except by way of exchange or to further the legitimate objects of the Society and then only upon the unanimous written consent of the committee on library, which shall be composed of three members who shall be appointed by the president, and any sale or disposal thereof contrary to the provisions of this section shall be void [G.L. 350]

C. FREE PUBLIC LIBRARY COMMISSION

(Public Laws of Vermont 1933, p.738-739, s 4415 [as am by Laws, 1937, p 114, Act no 85], 4418-4420, 4421 [as am by Laws, 1935, p 116, Act no. 93], 4422-4427)

Sec. 4415 **Commission, members, term, expenses.** (1) The free public library commission shall consist of the commissioner of education ex officio and two persons, one of whom shall be a woman, who shall be appointed by the governor with the advice and consent of the senate for the term of four years, except that the terms of office of the persons first appointed shall expire February 1, 1939 and February 1, 1941, respectively. The governor shall biennially designate a member of said commission to act as chairman. The members of said commission shall serve without compensation, but shall receive their necessary expenses while away from home on official business.

(2). **Powers, contracts with towns.** In addition to its existing powers, the free public library commission is authorized to develop and adopt plans to provide more adequate library service for all residents of the state, giving special consideration to some system of regional libraries or other agencies whereby better library service than now possible can be given to the people of the state especially to rural schools and farm homes. Without limiting the general authority above given, the said commission is authorized to make contracts with the duly authorized agents of any municipal corporation or public library for the maintenance of cooperative library service to residents of all municipal corporations designated in such contracts. Unless otherwise provided, the board of selectmen of any town, the mayor and board of Alderman of any city and the president and trustee of any village are authorized to make such contracts on behalf of their respective towns, cities and villages subject to the prior authorization or the subsequent ratification of such contracts by the voters of such municipal corporations assembled in any annual or duly warned special meeting.

(3). **Appropriation.** The annual appropriation for the free public library commission shall be increased to provide adequate funds to carry out the provisions of this act. [1937, no 85.]

Sec. 4418 **Advice; school of instruction.** The librarian or trustees of a free public library may ask the commission for advice in regard to the selection and cataloging of books and in other matters pertaining to the maintenance and administration of a library. The commission shall give such advice in regard to such matters as it deems practicable. For the purpose of rendering assistance to the librarians of free public libraries, the commission may annually hold a school of instruction, at such time and place as will best serve the public interest. The necessary expenses of each such librarian in attendance on such school may be paid by the town or incorporated village in which such librarian is employed [G.L. 1453.]

Sec. 4419. **Rules and regulations; report.** The commission shall make necessary rules and regulations for its government and for the care and use of the libraries furnished by the state. It shall biennially make a report of its doings to the general assembly. The expense thereof shall be paid out of the funds available for the purposes of this chapter. [G L s 1454.]

Sec. 4420 **Funds available; management.** The commission may annually purchase books for traveling libraries and necessary equipment. It shall have full management and control of such libraries. It shall certify to the auditor of accounts the amounts required by it under this section and said auditor shall issue his warrant therefor [1921, no 65, s.2. G.L. s.1455.]

Sec. 4421. **To whom available, regulations.** Three or more citizens may organize a library association, and, on compliance with the rules and regulations of the commission shall, in the discretion of the commission, be entitled to the use of traveling libraries. A local library, literary or other club, agricultural or other society, grange, college, seminary, university,

extension center, study circle or other association or individual shall, in the discretion of the commission and on the same terms, have the use of such libraries. [1935, no.93.]

Sec 4422. To schools. A union superintendent, a supervising principal, a superintendent of a town school district and an incorporated school district, and the school directors may apply for traveling libraries for use in the schools in such district, and shall thereupon be entitled to such libraries for such use without charge other than expense for transportation. The expense of such transportation shall be paid from the school funds of such district. [G.L. s.1457.] [1933, no.157, s 4155.]

Sec 4423 Public libraries. The commission upon the application of the duly authorized board of library trustees of a town or incorporated village not having a free public library owned and controlled by such town or village, may expend one hundred dollars of the moneys annually available for the purposes of this chapter, for books for such town or village. The commission shall select and purchase such books. Such books shall be used by such board for the purpose of establishing a free public library. The commission shall certify to the auditor of accounts the amounts required by it under this section, and he shall issue his warrants in favor of it [G L s 1458.]

Sec 4424 Requirements A town or incorporated village shall not be entitled to the benefits of the preceding section, unless such town or village has elected a board of library trustees as provided by this chapter and voted to instruct such trustees to make application therefor to the commission and such trustees have provided, in a manner satisfactory to the commission, for the care, custody and distribution of the books furnished under the provisions of such section [G L. 1459]

Sec 4425. Appropriation by municipality. A town or incorporated village voting to instruct its board of library trustees to make application to the commission under the second preceding section, shall annually appropriate for the maintenance of its free public library a sum not less than fifty dollars, if its grand list is ten thousand dollars or over, or a sum not less than twenty-five dollars, if its grand list is less than ten thousand dollars and not less than twenty-five hundred dollars, or a sum not less than fifteen dollars, if its grand list is less than twenty-five hundred dollars. The selectmen of such town or the trustees of such village shall annually, in the month of September, draw an order on the treasurer of the town or village, payable to such trustee, for the amount of such appropriation, without the town or village having voted such appropriation. [G L s 1460.]

Sec 4426 Aid to free public libraries. The commission may assist free public libraries in towns whose grand list, exclusive of polls, does not exceed ten thousand dollars, provided such town through its library trustees satisfies the commission that it has a free public library or libraries, which are doing practical and efficient work for the public benefit and are rendering

useful assistance to the public schools. The commission shall give such assistance by expending such amounts at such times as it determines, not exceeding one hundred dollars annually, for the purchase of books for such library or libraries owned and controlled by such town. The commission shall certify to the auditor of accounts the amounts required by it under this section, and he shall issue his warrant therefor in favor of the commission. [1921, no.65, s.3.] [G L. s.1461.]

Sec. 4427. Books recalled. If the local authorities of a free public library, any part of whose books has been paid for with state funds, fail to provide for the safety and public usefulness of such books or fail to pay annual appropriation in accordance with section 4425 and knowledge of such delinquency comes to the attention of the commission, it shall notify in writing the trustees of such library as to the requirements of the commission in respect to such books; and if such trustees neglect to comply with such requirements for sixty days after serving of such notice, such books paid for with state funds shall thereafter be under the full and direct control of the commission and shall be used for the public benefit in such manner as it deems best [1921, no.65, s 4, G L s 1462]

D. PUBLIC RECORDS COMMISSION

(Public Laws of Vermont 1937, p 279, Act no 229)

Sec 1 Members, term, etc. There is hereby created a public records commission of five members, to consist of the secretary of the state, the chairman of the board of directors of the Vermont Historical Society, and three other persons who shall be appointed by the governor. Upon the passage of this act, the governor shall appoint three members of said commission, one to hold office until February 1, 1939, one to hold office until February 1, 1941, and one to hold office until February 1, 1943. The governor shall biennially appoint a person as a member of such commission for the term of six years, whose term of office shall commence on February 1, of the year in which such appointment is made. The governor shall designate the chairman of the commission

Sec 2 Duties. The commission shall be empowered to give aid, advice and information to any or all custodians of public records; to have access, for its members or its representatives, to all public records at all reasonable times, to receive gifts, aid or assistance, of any kind, from any source, public or private, for the purpose of housing, ordering, copying, preserving, editing or publishing, of public records; to recover public records not in the possession of their lawful custodians; to devise standard books or forms for the keeping of records, except such records as are otherwise regulated by law, and to make such standard books or forms available to each town, at its expense, through the state purchasing agent, provided any town shall apply for the same; to receive, with its consent, noncurrent records from any custodian who may desire to deliver such records; to copy, index, bind, repair, edit or

publish public records, or lists, inventories, guides, catalogues or indexes thereof; and to cooperate with any federal agency for any of these ends.

Sec. 3. Destruction of records. A custodian of public records shall not destroy, give away, sell, discard or damage any record or records in his charge, unless specifically so authorized by law, without first submitting to the commission a list thereof, with accurate description; and the commission, within sixty days after receipt of such lists, and description, with an application for permission to destroy, cancel or dispose of such records, shall order the destruction, cancellation, disposal, thereof, or the preservation thereof, in whole or in part, which order shall be duly recorded by the custodian, and shall be binding on him and his successors. The commission shall make to the general assembly such reports and recommendations as it deems proper.

Sec. 4. Penalty. A custodian of public records who destroys, gives away, sells, discards or damages the records referred to in the preceding section, without having authority so to do, shall be fined not more than fifty dollars for each offense [1937, no 229.]

E. DISTRIBUTION OF PUBLIC DOCUMENTS

(Public Laws of Vermont 1933, p 1489-1494, s 9073-9110.)

F. MUNICIPAL LIBRARIES

(Public Laws of Vermont 1933, p 740, s.4428-4436)

Sec 4428. Establishment. A town or incorporated village may establish and maintain for the use of its inhabitants public libraries, with or without branches which may render service to other towns and the inhabitants thereof upon terms agreed upon, and may annually contract with a library or library corporation to furnish books to its inhabitants free, and may appropriate money therefor, and may annually appropriate money for the maintenance, care, increase and support of a library held in trust for such town or incorporated village or the inhabitants thereof [G L. s 1463]

Sec 4429. Appropriations. A town or incorporated village establishing and maintaining a library may appropriate for suitable rooms and buildings and for the foundation of such a library, a sum not exceeding three dollars for each ratable poll in such town or village in the preceding year, and may also appropriate annually, for the maintenance, care and increase thereof, such sum of money as such town or village may vote at its annual meeting, and may receive, hold and manage a devise, bequest or gift for a public library [G L s.1464]

Sec. 4430 Trustees; duties. A town or incorporated village which has established or shall establish a public library, may elect at its annual meeting a board of five trustees, who shall have full power to manage such public library and to receive, control and manage property which shall come into the hands of such town or village by gift, purchase, devise or bequest for the use and benefit of such library. [G L. 1465]

Sec. 4431. Term of office; election. At the meeting when said trustees are first chosen, they shall be elected for the following terms: one for one year, one for two years, one for three years, one for four years and one for five years, and until their respective successors are chosen. Annually thereafter such town or village shall elect one such trustee whose term of office shall be for five years from and including the date of such election. [G.L. s.1466.]

Sec. 4432. Report. Such trustees shall annually make a report to the annual meeting of the town or incorporated village, of the condition of the library and of the management and expenditure of such moneys as have come into their hands. [G.L. s.1467.]

Sec. 4433. When no trustees. When no trustees have been elected, moneys raised for a library shall be paid out by an agent to be appointed by the selectmen of a town. The trustees of an incorporated village or the mayor of a city. [G.L. s. 1468]

Sec 4434. Town libraries. When a town has established a public library, such town may, at an annual meeting, vote to place in such library a copy of such documents and volumes theretofore received by such town for it or its town clerk's office, as it shall designate, and also a copy of such documents and volumes thereafter to be received from the state, except the Vermont Reports and other books and documents provided by law to be kept in the office of the town clerk, as it shall designate. Such books shall remain the property of the town, but their use shall be enjoyed by such library until such town votes otherwise. [G.L. s.1469.]

Sec 4435. Books to be delivered by state. The state librarian shall deliver to a town public library that has been voted by its town the use of books owned by such town, such duplicate documents and volumes published or provided by the state, as can, in the judgment of the trustees of the state library, be delivered without prejudice to the state library. Such documents and volumes shall be delivered on application stating what books have already been received from the town. Such documents and volumes shall remain the property of the state, but their use shall be enjoyed by such library, until the state librarian is directed by law to demand their return to the state library. [G.L. s.1470.]

Sec. 4436. Public libraries not established by towns. When a public library exists in a town and is not established by it, such town may, at an annual meeting, by a two-thirds vote, make the provisions of the second preceding section in respect to use of books owned by the town, apply to such library; and, in case of such vote, the provisions of the preceding section shall apply to such library the same as if it were established and maintained by such town. [G.L. s.1471.]

G. INCORPORATED LIBRARIES

(Public Laws of Vermont 1933, p.741, s 4437-4445.)

Sec. 4437. General authority. Trustees to whom real or personal prop-

erty is devised, bequeathed, granted, conveyed or donated for the foundation and establishment of a free public library, may, unless otherwise provided by the deviser, grantor, or donor of such property, in order to promote the better establishment, maintenance and management of such library, cause a corporation to be formed under the provisions of the three following sections. [G.L. s 1472.]

Sec. 4438 Procedure. The trustees may make, sign and acknowledge and file in the office of the secretary of state a statement in writing setting forth the intent of said trustees to form a corporation, a copy of the will or instrument by which the endowment of such library is provided, the name adopted for the corporation, which shall not be the name of a corporation already existing, and the name of the town or village in which such library and the principal place of business of such corporation will be located, the number of managers who may be denominated trustees, managers or directors of such corporation, and the names of the trustees, managers or directors who are to constitute the original board and who shall hold office until their successors are respectively elected and qualified as provided in the third following section [G L 21 1473]

Sec. 4439 Same. The secretary of state shall forthwith, upon the filing of such statement, issue to the incorporators, under his hand and seal, a certificate of which such statement shall be a part, declaring that the organization of the corporation is perfected. The incorporators shall forthwith cause such certificate to be recorded in the office of the county clerk of the county in which such library is to be located, and thereupon the corporation shall be deemed fully organized and may proceed to carry out its corporate purposes and receive by conveyance from the trustees the property provided for the endowment of such library, and may hold the same in whatever form it may have been received or conveyed by such trustees, until such form shall be changed by action of such corporation [G L s 1474]

Sec. 4440. Powers. An organization formed under the provisions of the two preceding sections shall be a body corporate and politic, to be known by the name stated in its certificate. It shall have and possess the ordinary rights and incidents of a corporation, and shall be capable of taking, holding and disposing of real and personal estate for the purposes of its organization. The provisions of a will, deed or other instrument by which an endowment of a library is provided, and accepted by the trustees, managers or directors, shall, as to such endowment, be a part of the organic and fundamental law of such corporation [G L s 1475]

Sec 4441. Trustees, general powers. The trustees, managers or directors of such corporation shall compose its members and shall not be more than nine nor less than five in number. Such trustees, managers or directors shall elect the officers of the corporation from their number and have control and management of the affairs and property of the same, may accept donations and, in their discretion, hold the same in the form in which they

are given for the purposes of science, literature and art germane to the objects and purposes of such corporation. They may, in their discretion, receive by loan, books, manuscripts, and works of art and hold or circulate the same under such conditions as the owners thereof may specify. The provisions of sections 7366 and 7367 shall apply to the injury and removal of such books, manuscripts and works of art. [1923, no 38, G.L. s.1476.]

Sec 4442. **Same; vacancies; by-laws.** They may fill, by election, subject to the approval of the chief justice of the supreme court, vacancies occurring in their number, and may make by-laws for the management of such corporation and library. The by-laws shall set forth the officers of the corporation and define and prescribe their respective duties. [1923, no 38, G L s 1476]

Sec 4443. **Same; employees.** They may appoint and employ from time to time agents and employees, as they may deem necessary for the efficient administration and conduct of the library and all the affairs of such corporation. When a trustee, manager or director is elected to fill a vacancy, a certificate under the seal of the corporation, giving the name of the person elected, shall be recorded in the office of the county clerk where the articles of incorporation are recorded. [1923, no 38, G L s.1476.]

Sec 4444. **Exemption from taxation, when.** When the instrument providing the endowment declares that the institution shall be a free public library, such library and other property of the corporation shall be forever exempt from taxation. [G L s 1477]

Sec 4445. **Merger.** Two library corporations in the same town may, by a majority vote of the members of each of such corporations, at meetings thereof warned for that purpose, unite and assume the corporate name of either of such corporations. [G L s 1478]

H. PROTECTION OF LIBRARY PROPERTY

(Public Laws of Vermont 1933, p 1420, s 8566-8567)

Sec 8566. **Belonging to libraries.** A person who wilfully and maliciously writes upon or injures a book, plate, picture, engraving or statue belonging to a law, town or public library shall be fined not more than one thousand dollars nor less than five dollars. [G.L. s 6978.]

Sec 8567. **Removal without consent.** A person who removes from a free public library, or a free town, village or traveling library, a book, paper, magazine, document or other reading matter, or an art book, picture, print, plate or other art work, kept in such library for public use or circulation, without the consent of the librarian or other person in charge of such library, shall be fined not more than fifty dollars for each offense, half to the use of the library from which the same was removed, and the other half to the use of the treasury liable for the costs of prosecution. [G.L. s.6979.]

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A. STATE LIBRARY

(Virginia Code 1936, p 94-97, s 347 [11]-352, 356-361, *Ibid.* 1940
Suppl., p 10-11, s 353-355, 342d)

Sec 347(11). **Library policy of commonwealth.** It is hereby declared to be the policy of the Commonwealth, as a part of its provision for public education, to promote the establishment and development of public library service throughout its various political subdivisions [1936, p.107.]

Sec. 348. **State Library.** The State Library shall be continued and shall be maintained and conducted primarily as a library of reference. [1936, p.107.]

Sec 349. **Who may use State Library.** The State Library shall be for the use of State officers and such other persons as Library Board may deem fit, under such rules and regulations as the board shall adopt; provided that no manuscript shall be taken from the library except as otherwise provided by law. [1936, p 107.]

Sec. 350. **State Library, when to be opened.** The State Library shall be kept open for such days and hours each day as may be prescribed for other State agencies at the seat of government. But the Library Board may, in its discretion, prescribe additional hours in which the library shall be kept open. [1936, p.108]

Sec. 351. **Library board, how appointed; term of office; certain powers and duties.** The State Library shall be managed by a board of directors, consisting of five members, to be appointed by the State Board of Education, which shall be and remain a corporation under the style of "The Library Board"; but the Supreme Court of Appeals shall have the manage-

ment of the Law Library and shall appoint the librarian and other employees of said Law Library.

The directors in office when this Code takes effect shall continue in office until their respective terms expire, and upon the expiration of the term of a member his successor shall be appointed for a term of five years. Appointments to fill other vacancies shall be for the unexpired term.

The Library Board shall meet and organize by electing one of its number chairman. It shall appoint a librarian and other employees. The terms of office of the librarian and other employees shall be at the pleasure of the Library Board. The State Librarian, assistants, and employees shall be paid such salaries from appropriations out of the public treasury as may be provided by law.

The Library Board shall keep complete minutes of all its proceedings neatly recorded in a substantial book, which shall be signed by the chairman and attested by the secretary, and a record of all receipts and disbursements, all of which shall be preserved as public records. It may from time to time acquire by gift, purchase, exchange, or loan books and other library matter; and may edit, or cause to be edited, arranged and published, as the funds at its disposal may admit, the State records now or hereafter to be deposited in the library and such other special matter as it may deem of sufficient value. It shall make rules and regulations, not inconsistent with law, for the government and use of the library, and may by general or special regulation determine what books and other possessions of the library may not be removed therefrom.

The Library Board shall superintend all expenditures of the library funds.

The members of the Library Board shall receive no compensation for their services as such; but such reasonable expenses as members of the board may incur in the discharge of their duties shall be paid out of library funds.

The Library Board shall annually make a report to the Governor of all receipts and expenditures, and of the condition of the library, and all other matters in relation thereto that it may deem expedient for the information of the General Assembly.

It may purchase and procure books and other necessary equipment for the establishment of libraries known as "traveling libraries" [1936, p.108.]

Sec. 352. Librarian, his duties. The librarian shall have charge of the State Library, giving his personal attention and attendance to it and carrying out and enforcing the rules and regulations made therefor by the General Assembly and the Library Board. He shall see that the library is properly and neatly kept for the reception and use of the public, and that its contents are properly preserved and cared for.

He shall be secretary of the Library Board, and shall perform all the duties belonging to that position. He shall keep a neat and accurate record

of all proceedings of the board, an itemized account of all receipts and disbursements, and an itemized memorandum of all purchases, or contracts for purchases made, and of all books and manuscripts given or received as gifts or in exchange.

The librarian shall give bond to the State in the sum of two thousand dollars, with sureties approved by the Library Board, for the faithful discharge of his duties and the delivery over to his successor of all the property of the State in his possession, which bond shall be recorded by the Secretary of the Commonwealth and deposited with the Comptroller. [1936, p.109.]

Sec 353 Additions to state library; destruction of public records. The records of the several agencies of the State government, which may be considered of historical value, may, with the consent of the head of such agency, and of the State Librarian, be deposited and preserved in the State Library. None of said records so deposited shall be removed from the library except by the head of the agency by which the same was so deposited; but the said records may, at the direction of the State Librarian, be returned to the agency whence they came

No agency of the State government shall sell, destroy, give away or discard any record or records, unless specifically so authorized by law, without first having informed the State Librarian, and the State Comptroller. The State Librarian, or his deputy, and the State Comptroller, or his deputy, shall examine said records; and those records considered by the head of the agency, or his deputy, the State Librarian, or his deputy, and the State Comptroller, or his deputy, as having no administrative or historical value or value as financial records may be destroyed or otherwise effectively disposed of. But no land or personal property book shall be destroyed [1940, p 342]

Sec. 354 Deposit of records in state library by officers The proper official or custodian of any public record of the State of Virginia, or of any county, city or town, within the State, is hereby authorized and empowered, in his discretion, to transfer to the Virginia State Library, with the approval of the State Librarian, for preservation, any official books, records, documents, original papers, or maps in his office, and said State Library shall provide for their permanent preservation, and when so surrendered, copies therefrom shall be made and certified by the State Librarian, or his deputy, upon application and the payment of reasonable fees, which certification shall have the same force and effect, as if made by the officer or custodian originally in charge of them

Where the records of any court of a date prior to and including one thousand eight hundred and sixty-five, except the will books and the deed books, are not properly cared for, on notice from the State Librarian to the official having custody of such records and failure of said official to have such records repaired and maintained in a manner satisfactory to the judge

of said court, the said judge is directed to have such records removed to the State Library. [1940, p.343.]

Sec. 355. Removal of certain records upon application of state librarian. Upon application made by the State Librarian, every official or custodian of any public records of the State of Virginia, or any county, city, or town in said State, shall deliver to the State Library Board any and all official books, records, documents, original papers and maps of a date prior to and including the year eighteen hundred and sixty-five that may be in his custody or possession or under his control. The application shall be made to the court under the jurisdiction of which such records are kept, and the court, or judge thereof in vacation, shall, by an order entered of record, which order shall contain a list of the records, cause said records to be delivered to the State Library by the sheriff or other office to be designated, and a receipt taken therefor. .

The State Librarian shall cause to be made from any and all of such records as may be necessary for public use and convenience, by photo-duplication process a copy or copies of said record. A copy shall be retained in the Archives Division of the State Library, and a copy may be bound and returned to the county, city or other source from which obtained on the request from the lawful custodian of said records. The original records shall be returned within a reasonable time to the source from which obtained, unless the State Librarian is authorized by the court to retain possession of the same. The State Librarian may cause the original records to be restored and repaired, in whole or in part, as he deems necessary.

The State Librarian is hereby empowered, authorized and directed at the end of said copy or copies which may be returned to the county, city or other source from which the original records were obtained to certify, over his hand and the official seal of the State Library Board, that the said copy or copies are true and correct reproductions of the original records, and such duplicated copy or copies, or extracts or copies therefrom, duly certified by the lawful custodian thereof, are hereby made primary evidence to the same effect as the original records, in any courts, or otherwise, in the Commonwealth of Virginia [1940, p 343]

Sec 355b Sending of certain land books to the Virginia State Library. The judge of the circuit court of each county, and the judge of the corporation or hustings court of each city, is hereby authorized and required to direct either the commissioner of the revenue or the clerk of the court or the treasurer of his county or city to send to the Virginia State Library the copy of the land book in the office of such commissioner of the revenue or clerk or treasurer, as the case may be, for each of the years nineteen hundred and twenty-seven, nineteen hundred and twenty-eight, nineteen hundred and twenty-nine, nineteen hundred and thirty, nineteen hundred and thirty-one, and nineteen hundred and thirty-two, but no such direction shall be given by any such judge to a commissioner of the revenue or a

treasurer or clerk as to any land book until such land book shall have become three years old, and it is hereby made the duty of every commissioner of the revenue and clerk and treasurer to preserve his copy of the land book for each year in good condition, pending such disposition thereof as may be prescribed by law or lawful authority; provided however that this act shall not apply in any county or city in which there may be only two complete copies of the land book in existence. [1932, p 381]

Sec 356 Cities and towns to furnish copies of official publications to the Library. The mayor of each city and town in the Commonwealth shall send regularly at the time of publication to the Virginia State Library two copies of each of the official publications of such city or town, and also two copies of each publication of former years of which the supply has not been exhausted Official publications for the purpose of this section shall embrace printed reports, in pamphlet or book form, of the officials of the city or town, printed volumes of ordinances and such other special publications as the city or town may authorize to be printed [1936, p 111]

Sec. 357 Institutions of learning and eleemosynary institutions to furnish to the State Library copies of publications. Every institution of learning receiving appropriations from the State, and every State eleemosynary institution shall, and every other institution of learning and eleemosynary institution in this State may, send to the State Library two copies of each of the books, pamphlets, catalogues, bulletins, or circulars published by such institution. One set of the publications received under this and the preceding section shall be reserved and not used for circulation outside of the library building. [1936, p.111]

Sec. 358. Punishment for violation of the two preceding sections. Any person or the head of an institution, whose duty it is to comply, violating the mandatory provisions of either of the two preceding sections shall be liable to a fine not exceeding one hundred dollars, to be recovered before the police justice of the city of Richmond [1936, p 111]

Sec. 359 Historical works and relics; editing and publishing historical records The Library Board shall cause to be procured, from time to time, as opportunity may offer, a copy of any book, pamphlet, manuscript, or other library material, relating to the history of Virginia, not now in the library, which can be obtained on reasonable terms, and may cause to be printed any manuscript relating to the history of Virginia, not now in the library, which can be obtained on reasonable terms, and may cause to be printed any manuscript relating to the history of Virginia which has not been published, including such portions of the executive journals and letter books, and of the legislative papers, as the board may deem proper and shall cause the papers so to be printed to be arranged for that purpose and preserved for reference; and shall cause the records in the State Library pertaining to the various wars in which the State has been engaged to be edited, ar-

ranged, and published so as to show the service of citizens of the State in such wars. [1936, p.111.]

Sec. 360. Fees for copies made by Library staff; how fees accounted for. The Library Board of the State Library may, in its discretion, charge and collect such fees as it may deem reasonable for copies or extracts from any books, papers, records, documents, or manuscripts in the library, made by the library staff, for persons applying for the same. The State Librarian shall keep an accurate account of all such fees and pay the same into the general fund of the State treasury. [1936, p 112]

Sec. 361. Director of the division of purchase and printing to furnish state library with publications. The Director of the Division of Purchase and Printing shall, upon publication, set aside and deliver to the State Library two copies of every publication printed under his authority, except court reports which shall be placed in the Law Library, which copies shall become a part of the collections of the State Library.

He shall also set aside and deliver to the State Library such copies of every publication printed under his authority as may be designated in writing by the State Librarian to be used for gifts and for exchange (not to exceed one hundred copies of any publication)

The Library Board may arrange for the exchange of the Virginia publications with such states and institutions, the general government and other governments, societies, and others, as it sees fit. Publications received on exchange are to become the property of the State Library, except statute and law books, which shall be placed in the Law Library. It may also, when deemed advantageous, donate, exchange or sell any or all duplicate material now or hereafter the property of the State Library, and other printed material not within the scope of its collections. The librarian shall keep an accurate account of all such sales and pay the money arising therefrom into the general fund of the State Treasury.

The State Library Board may send to any university, college, public library, or society copies of State publications. [1936, p 112]

Sec 342d. Reproduction of records by photography and microphotography; disposition of original records; use of photographs and microphotographs of records as evidence. The respective heads of the several administrative departments, divisions, institutions and agencies of the State are hereby authorized and empowered to cause, with the approval of the Governor, all or any part of the records and papers kept for a period of five years by or in their respective departments, divisions, institutions and agencies to be photographed or microphotographed, and to acquire, maintain and use such appropriate containers and files as shall be necessary to accommodate and to preserve the photographs and microphotographs so obtained, and such microphotoscopes and microphotoscopic facilities and equipment as shall be necessary for the purpose of examining and using such microphotographs, as well as such other microphotographic apparatus

and equipment as shall be necessary or advisable for the purpose of making such microphotographs.

Whenever photographs or microphotographs shall have been made and put in conveniently accessible files, and provision has been made for preserving, examining and using the same, the said respective heads of the said departments, divisions, institutions and agencies may, with the approval of the Governor, cause the records and papers so photographed or microphotographed, or any part thereof, to be destroyed; but before any such records or papers are authorized to be destroyed, the Governor shall obtain the advice and counsel of the State Librarian or his designated representative as to the desirability of placing the said records and papers in the archives of the State Library; whereupon the Governor may cause such records and papers to be so transferred

Any photograph or microphotograph of any record or paper photographed or microphotographed as hereinabove provided, and any photographic, microphotographic or photostatic copy of any such photograph or microphotograph, if duly authenticated, shall be admissible as evidence, in any court of this Commonwealth, for any purpose for which the record or paper so photographed or microphotographed might have been introduced, and with like effect. [1940, p 392.]

B. STATE LAW LIBRARIES

(Virginia Code of 1936, p.94, 971, s.347 [3]-347 [6], 3417, *Ibid*
1940 Suppl p 16, s 400)

Sec. 347 (3). **The law libraries.** There shall be a State Law Library at Richmond, with branches thereof at Wytheville and Staunton, maintained as at present, which shall be managed by the Supreme Court of Appeals. The said court shall appoint the librarian and other employees to hold office during the pleasure of the court, provided, however, that the clerks at Wytheville and Staunton shall act as law librarians at their respective places, without additional compensation therefor.

The State Law Library shall consist of the books now in the law libraries at Richmond, Staunton, and Wytheville, with such additions as may be made thereto. [1936, p 198.]

Sec. 347 (4). **Books for the law libraries.** The Supreme Court of Appeals shall, from time to time, make additions to the State Law Library by purchases made with funds at their disposal for that purpose, and may cause books to be transferred from one law library to another. All law books acquired by the State by gift, or by exchange, from the United States, or other states and countries, shall be placed in said library. The Director of the Division of Purchase and Printing shall have placed in the law library at Richmond, Staunton, and Wytheville a copy of every law book which may be hereafter published for the Commonwealth in addition to the deposit required by section three hundred and forty-seven. [1936, p.198.]

Sec. 347 (5). Regulation of state law libraries. The Supreme Court of Appeals shall have power to make and enforce such rules and orders for the regulation of the State Law Library, and the use thereof, as may to it seem proper. [1936, p.198.]

Sec. 347 (6). Who may use law libraries. The Governor, Lieutenant-Governor, Attorney General, and other State officers at the capitol, reporter of court of appeals, members of the General Assembly during the session thereof, judges of courts, and practicing attorneys in good standing, and such other persons as the Supreme Court of Appeals shall designate, shall have the use of the State Law Library, under such rules and regulations as the Supreme Court of Appeals shall make [1936, p 198]

Sec. 400. Books for the law libraries. The Director of the Division of Purchase and Printing shall have placed in the State law library at Richmond, and in the State law library at each other place where sessions of the Supreme Court of Appeals are held, a copy of every law book which may be hereafter published for the Commonwealth [1938, p.232]

Sec 3417 Fees to be paid by applicants. In order to defray the compensation, mileage and expenses above provided for, the board [of bar examiners] shall fix by general rule or special order the fees to be paid by each applicant. If any surplus accumulates from such fees, it shall be divided at periods of five years between the law libraries of the supreme court of appeals at Wytheville and Staunton [1922, p 654.]

C. COUNTY AND REGIONAL LIBRARIES

(1940 Suppl. Virginia Code of 1936, p 11, 248, s 365, 2725)

Sec. 365. To authorize the establishment of county free library systems and regional free library systems and to provide for their operation and maintenance. The board of supervisors of any county shall have the power to establish a county free library system for the use and benefit of the residents of such county, or, upon petition of one hundred taxpayers of the county shall submit to a vote of the qualified voters of the county at the next general election held therein whether a county free library system shall be established, and if a majority of the electors voting on the question vote in favor of the establishment of a county free library system, the board of supervisors shall forthwith establish one.

Two or more counties, by action of their board of supervisors, may join in establishing and maintaining a regional free library system under the terms of contract between the said counties, provided that in the case of established county free library systems the boards of trustees shall agree to such action. The expenses of the regional free library system shall be apportioned between or among the counties concerned on such basis as shall be agreed upon in the contract. The treasurer of one of the counties, as shall be provided in the contract, shall have the custody of the funds of the regional free library system; and the treasurers of the other counties con-

cerned shall transfer quarterly to him all moneys collected or appropriated for this purpose in their respective counties. The withdrawal of any county from a regional library contract may be effected by petition and vote in the manner prescribed above and the county shall be entitled to a division of property in the same proportion as expenses were shared.

Where such county free library system or regional free library system is established, the board of trustees shall have the power to enter into contracts with adjacent cities, towns, or State supported institutions of higher learning in the county or region to provide library service on such terms and conditions as shall be mutually acceptable, or they may contract for library service with a library not owned by a public corporation but maintained for free public use. The board of trustees of a county free library system or regional free library system may enter into contracts with county or city school boards and boards of school trustees to provide library service for schools.

The management and control of a county free library system or a regional free library system shall be vested in a board of five trustees. In a county free library system they shall be appointed by the judge of the circuit court of such county, chosen from the citizens at large with reference to their fitness for such office, one of whom shall be the superintendent of public schools of said county. In a regional free library system they shall be appointed by the judge or judges of the circuit court or courts in such region, one member being a superintendent of public schools. Said trustees, other than the superintendent of public schools, shall be appointed in the beginning for terms of two, three, four and five years, respectively, and thereafter for terms of five years; but in the case of a regional library, the judge or judges may provide for the service in rotation of each of the several superintendents of public schools. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A trustee shall not receive a salary or other compensation for services as trustee but necessary expenses actually incurred shall be paid from the library fund. A library trustee may be removed for misconduct or neglect of duty by the judge or judges making the appointment. Said trustees shall, immediately after appointment, meet and adopt such by-laws, rules and regulations for their own guidance and for the government of the county free library system or regional free library system as may be expedient. They shall have control of the expenditures of all moneys credited to the county free library fund or the regional free library fund. The said board of trustees shall have the right to accept donations and bequests of money, personal property or real estate for the establishment and maintenance of such county free library system or regional free library systems or endowments for same.

After a county free library system or regional free library system shall have been established or library service contracted for, the board or boards of supervisors, or the governing bodies of the governmental sub-division or

sub-divisions for which the library was established or the service engaged shall appropriate money annually for the support of the library. All funds appropriated or contributed for library purposes shall constitute a separate fund and shall not be used for any but library purposes.

The board of supervisors or other governing body of any county in which no such free library system as provided herein shall have been established, may, in its discretion, appropriate such sums of money as to it seem proper for the support and maintenance of any free library or library service operated and conducted in such county by a company, society or association organized under the provisions of chapter one hundred and fifty-one of the Code of Virginia. [1938, p.269.]

Sec. 2725. Building and repairing building. The board of supervisors or other governing body of any county shall have power to locate, build, and keep in repair, county buildings, and, in its discretion, may locate and construct a suitable building, to be used for a county or regional free library or library system, or office buildings on the same lot on which is located the courthouse, clerk's office, jail, or public high school. [Acts, 1940, p.276.]

D. MUNICIPAL LIBRARIES

(Virginia Code of 1936, p 98, s 364; *Ibid.* 1940 Suppl, p 276, s 3079.)

Sec. 364. To authorize cities and towns to establish and maintain free public libraries and reading rooms. The council of any city or town, under regulations to be prescribed by such council, shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city or town, and may levy a tax therefor, either by special levy or as a fund of the general levy of said city or town. [1936, p.114.]

Sec. 3079. Purposes for which cities and towns may issue bonds; amount for which bonds issued. Any city or town of this Commonwealth may issue bonds for any one or more of the following purposes, namely: * * * for erecting or improving * * * libraries. * * * No city or town shall, however, issue any bonds or other interest bearing certificates for any purpose or in any manner to an amount which, including existing indebtedness, shall at any time exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last assessment for taxes; but nothing above contained in this section shall apply to those cities and towns whose charters, existing at the time of the adoption of the present Constitution, authorize a larger percentage of indebtedness than is authorized by this section. [1902-3-4, p.412; 1940, p.116.]

E. SCHOOL LIBRARIES

(1940 Suppl. Virginia Code of 1936, p.36, s 713.)

Sec. 713. Purchase of school libraries. Whenever the patrons and

friends of any public school shall raise by private subscription the sum of fifteen dollars or more, and tender the same to the clerk of the county school board, or the clerk of the city school board for the purpose of establishing a school library connected with said school, the board in counties and the school board in cities shall appropriate the sum of fifteen dollars for this purpose, and the State Board of Education, out of any funds provided for public school libraries, shall appropriate thirty dollars, thus making a minimum of sixty dollars for a unit library. The said library, or libraries, shall be purchased and properly cared for under the rules and regulations adopted by the State Board of Education. The treasurer shall not receive any commission for receiving and disbursing funds for school libraries [1938, p 96]

F. COUNTY LAW LIBRARIES

(Virginia Code of 1936, p 94, s 347 [8], [9])

Sec. 347(8) **Law libraries for courts and bar.** If the members of the bar practicing in any county or city of the Commonwealth shall procure by voluntary contribution a law library of the value of five hundred dollars, at the least, for the use of the courts held in such county or city, and of the bar practicing therein, it shall be the duty of the circuit court of such county or city to require its clerk to take charge of the library so contributed and to keep the same in the court house or clerk's office building according to the rules prescribed by the bar and approved by the court [1936, p 199]

Sec. 347(9). **Circuit courts to enforce rules for government of such law libraries.** The observance of the rules so prescribed and approved may be enforced by the circuit court by such summary process and judgment as shall be provided by such rules [1936, p 199]

G. CERTIFICATION OF LIBRARIANS

(Virginia Code of 1936, p 97-98, s 363)

Sec. 363 **Establishment of a state board for the certification of librarians.** There is hereby established a State Board for the Certification of Librarians, which shall consist of the State Librarian who shall serve as secretary of the board and two other librarians to be appointed by the Governor for a term of three years from a list of five persons nominated by the executive committee of the Virginia Library Association. The members of the board shall serve without salary, shall have authority to establish rules and regulations for their own government and procedure, and shall have authority to establish grades of certificates, and shall prescribe and hold examinations, or require submission of credentials, to establish the qualifications of those seeking certificates as librarians.

The board shall grant librarians' certificates of appropriate grades without examination to applicants who are graduates of library schools accredited by the American Library Association for general library training,

and shall grant certificates of appropriate grades to other applicants when it has satisfied itself by examination on credentials that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

Any person not a graduate of a library school accredited by the American Library Association, but who has served as a librarian or a full-time professional assistant in any library in this State for at least one year's continuous service or the equivalent thereof prior to the date when this act becomes effective, shall be granted a librarian's certificate of appropriate grade without examination.

The board shall require a fee of one dollar to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the State Treasurer. All necessary expenses of the Board shall be paid from the funds appropriated by the legislature to the State Library upon warrants drawn by the State Comptroller upon the presentation of proper vouchers approved by the State Librarian.

After July first, nineteen hundred and thirty-seven, a public library serving a political sub-division or sub-divisions having over five thousand (5,000) population and every library operated by the State or under its authority, including libraries of institutions of higher learning shall not have in its employ, in the position of librarian or in any other full-time professional library position, a person who does not hold a librarian's certificate issued by the board.

A professional library position, as used in this section, is one that requires a knowledge of books and of library technique equivalent to that required for graduation from any accredited library school.

Nothing in this section shall apply to the State Law Library or law libraries of counties and cities, or to libraries of public, elementary and high schools.

No public fund shall be paid to any library failing to comply with this section. [1936, p 113]

H. DISTRIBUTING PUBLIC DOCUMENTS

(Virginia Code of 1936, p 13-15, 17, 19, s.390, 392, 394, 396, 401e, 401p)

S 390. Acts of Assembly; printing and distribution. The Director of the Division of Purchase and Printing shall cause to be printed in octavo form, as soon as approved by the Governor, five thousand five hundred copies of the acts and joint resolutions of the General Assembly, and shall distribute them as follows: * * * five copies to the State Library; five copies to the Law Library * * *. [Code 1936, s.388.]

S. 392. Printing of journals for Senate and House; their distribution. The Director of the Division of Purchase and Printing shall superintend the execution of all printing done by order of the Senate or the House of Delegates, or their respective clerks, and within ninety days after the

close of each session of the General Assembly he shall upon requisition furnished him by the Director of the Division of the Budget, cause to be printed and bound the journals for the Senate and the House of Delegates, with an index thereto, in sufficient quantity to make the following distribution: * * * ten copies to the State Library, one copy to each educational institution in this State which maintains a library, one copy to each public library, * * *. [Code 1936, s 386]

S. 394. Printing of annual reports; their distribution.

(a) It shall be the duty of the heads of departments, divisions, institutions and agencies of the Commonwealth to furnish their annual reports to the officer to whom they are required to be made on or before the twentieth day of October of each year, but such reports, except those of the Comptroller and of such other officers and agencies as may be designated by the Governor, shall be printed and distributed biennially as hereinafter provided.

(b) The Director of the Division of Purchase and Printing shall have printed in octavo form in one volume such number of copies of each report as shall be required for distribution hereunder, and the said volume shall be distributed as follows: * * * two copies together with such additional copies as may be necessary for exchange purposes to the State Library, * * * [Code 1936, s 393.]

S. 396. Director to have charge of Supreme Court reports and furnish copies to judges and others. He (the Director of the Division of Purchase and Printing) shall be charged with the custody, disposal and sale of the published reports of the decisions of the Supreme Court of Appeals. One copy of each volume of said reports hereafter published shall be furnished to each of the following for the use of those to whom furnished and their successors in office, * * * seven copies shall be placed in the law library at Richmond and two copies each shall be placed in each of the other law libraries of the Supreme Court of Appeals. [Code 1936, s 347]

S. 401e Exceptions to centralized purchasing. (a) Unless otherwise ordered by the Governor, the purchasing of materials, equipment and supplies through the Director of the Division of Purchase and Printing is not mandatory in the following cases:

* * * * *

(2) Technical instruments and supplies, and technical books and other printed matter on technical subjects, also manuscripts, maps, books, pamphlets and periodicals purchased for the use of the Virginia State library or any other library in the State supported in whole or in part by the State appropriation.

* * * * *

[Code 1936, s.401.]

S. 401p. **Printing of journals of the House of Burgesses and records of supreme court of appeals; binding and rebinding for state libraries.** The provisions of this chapter shall not apply to the printing of the journals of the House of Burgesses, the publication of which the Library Board shall have the authority to continue and the payment for which is made out of the manuscript fund, nor, unless otherwise ordered by the Governor, to the binding and rebinding of the books and other literary material of libraries operated by the State or under its authority, nor shall it apply to the printing of the records of the Supreme court of Appeals. [Code 1936, s 401.]

I. PROTECTION OF LIBRARY PROPERTY

(Virginia Code of 1936, p 97, s 362)

Sec. 362. **Protection of the books and other property of libraries.** Any person who wilfully, maliciously or wantonly writes upon, injures, defaces, tears, cuts, mutilates, or destroys any book, plate, picture, engraving, map, newspaper, pamphlet, manuscript, record, or other library property belonging to, or in the custody of any public, county or regional library, the State Library, other repository of public records, museums or any library or collection belonging to or in the custody of any educational, eleemosynary, benevolent, hereditary, historical library or patriotic institution, organization or society, shall be punished by a fine of not less than five dollars nor more than one thousand dollars, one-half of which shall go to the informer upon conviction of the offender, or by imprisonment in jail for a period not exceeding twelve months, or both, in the discretion of the court or jury trying the case.

Any person who wilfully or without authority removes any book or other property from any of the above libraries or collections shall be deemed guilty of larceny thereof, and shall be punished by a fine of not more than five thousand dollars, one-half of which shall go to the informer upon conviction of the offender, or by imprisonment in jail for a period not exceeding one year, or both, in the discretion of the court or jury trying the case.

Any person having in his possession any book or other property of any of the above libraries or collections, which he shall fail to return within thirty days after receiving notice in writing from the custodian, shall be guilty of misdemeanor and punished according to law; provided, however, that if such book should be lost or destroyed, such person may, within thirty days after being so notified, pay to the custodian the value of such book, the value to be determined by the governing board having jurisdiction. [1936, p.112.]

J. TAX EXEMPTION

(Virginia Code of 1936, Appendix, p 2539, s.435d.)

WASHINGTON

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A. STATE LIBRARY

(Remington's Rev Stats v 9, 1932, p.317-319, s 8211 to 8216; *Ibid* v 10, 1933, p.624, s.9901, *Ibid* v 11, 1933, p 320-321, 406, s 10770, 10771, 10771-1, 10971-1, *Ibid*. v 9, 1940 Suppl p 32, s 8209, *Ibid* 1941 Suppl. p 567, s 10771-2, 10771-3)

Sec. 10770. **Law library committee.** The chief justice of the supreme court, the attorney general, and the secretary of state, ex officio, shall constitute the state law library committee, which shall have the power and it shall be its duty, to exercise all the powers and perform all the duties relating to the state law library now vested in, and required to be performed by, the state library commission. The state law librarian shall be the secretary of the state law library committee. [L.1921, p.14, s 12.]

Sec. 10771. **Library committee.** The superintendent of public instruction, the commissioner of public lands, and the state treasurer, ex officio, shall constitute the state library committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties relating to the state library, except the powers and duties relating to the state law library, now vested in, and required to be performed by, the state library commission, and shall exercise all the powers and perform all the duties now vested in, and required to be performed by, the state library advisory board [L.1921, p 15, s 13] [State library committee abolished L. 1929, p.412, s 2.]

Sec. 10771-1. **Duties devolve upon state superintendent.** The superintendent of public instruction shall have the power, and it shall be his duty,

to exercise all the powers and perform all the duties now vested in and required to be performed by the state library committee. [L.1929, p.412, s.1.]

NOTE—These powers and duties of the Superintendent of public instruction are now transferred to the State Library Commission

Sec. 10771-2 State Library Commission; members; terms; filling vacancies; expenses. A State Library Commission is hereby created which shall consist of the Superintendent of Public Instruction, who shall be ex-officio chairman of said commission and four (4) commissioners appointed by the Governor, one of whom shall be a library trustee at the time of appointment and one a certified librarian actually engaged in library work at the time of appointment. The first appointments shall be for terms of one (1), two (2), three (3) and four (4) years respectively, and thereafter one commissioner shall be appointed each year to serve for a four (4) year term. Vacancies shall be filled by appointments for the unexpired terms. Each commissioner shall serve without salary or other compensation for his services, but necessary expenses, not exceeding five hundred dollars (\$500) per annum for the entire commission, shall be paid from the general funds appropriated and available for the use of the state library. [L.'41, ch.5, s.1.]

Sec 10771-3. Powers and duties of state superintendent devolve on library commission. The State Library Commission hereby created shall have the power and it shall be its duty to exercise all the powers and perform all the duties relating to the state library now vested in the Superintendent of Public Instruction by chapter 159 of the Laws of 1929. [L.'41, ch 5, s 2]

Sec 8209. State law librarian. The Assistant State Librarian who has charge of the law department of the state library shall hereafter be entitled and known as the State Law Librarian. He shall hold his office by appointment of and at the pleasure of the Supreme Court. It shall be his duty to make semi-annual reports to the judicial council recommending the deletion, amending, or changing of any and all obsolete laws or statutes that now appear on the laws and statutes of the State of Washington. The first such report shall be made at the convening of the legislature in January 1941 and every biennium thereafter. [L.'39, ch 147, s.1, p 444]

Sec 10971-1. Salary of the state law librarian. The salary of the state law librarian shall be four thousand eight hundred dollars (\$4,800) per annum. [L.'27, p 366, s.1]

Sec. 8211. Superintendent of state traveling library The state traveling library, together with all books, property, and appurtenances thereto belonging, shall be under the control and management of a superintendent, to be appointed by, and hold office at the pleasure of, the state library commission, which shall have supervision over said superintendent and the books, property, and affairs of said traveling library. [L.'07, p.375, s.1.]

NOTE—No appropriation for traveling library since 1929

Sec 8212 Duties; salary. The superintendent shall be charged with all the duties now resting upon the state librarian with reference to said travel-

ing library. The superintendent shall be allowed a salary of twelve hundred dollars (\$1,200) per annum, and necessary traveling expenses. [L.'07, p.375, s.2.]

Sec. 8213. Salary of librarian. The state librarian shall receive an annual salary of fifteen hundred dollars (\$1,500), to be paid monthly, and the state auditor shall draw warrants on the state treasurer therefor. [L.'13, p.246, s.1.]

NOTE—Salary increased by biennial appropriation act

Sec. 8214. Duties of librarian. The state librarian, under the direction and control of the state library commission, shall: (1) Assume charge of the state library and all its branches, provide rooms therefor and adjust and arrange it in such rooms, and also provide such fixtures and fittings as shall be necessary. (2) Purchase all books, reports, and maps deemed necessary or proper for the use of the library. (3) Receive and take charge of all books, reports, maps or other documents which may be donated to said library. (4) Provide for the care and repair of the rooms, furniture, fixtures, books, reports, and documents of the library. (5) Receive and distribute all public documents which he is required by law to receive and distribute. (6) Act as secretary of the state library commission and advisory board, and under the direction thereof assist in the organization or improvement of the state library or any department thereof. (7) Biennially, not more than thirty days before the meeting of the legislature, make a report to the state library commission, showing the work which has been done in all departments of the state library and such other matters as are of interest in connection with the library work. He shall be authorized to make requisitions upon the state printing board for printing said report, and also for such other printing as may be necessary or proper in the discharge of his duties. (8) Discharge such other duties as he shall by law or the direction of the state library commission be required to discharge. All expenses incurred by him in the discharge of these duties shall be audited and allowed by the state library commission, and when ordered paid by them the state auditor shall draw his warrant upon the state treasurer for the amount thereof. [L.'03, p.352, s.4.]

Sec. 8215. Duties and powers of commission and advisory board. The state library commission shall have the absolute direction and control of the law department of the state library, the arrangement thereof, and the purchases to be made in connection therewith. The state library commission with the advice and assistance of the advisory hereinbefore created, shall also have control of the miscellaneous department of the state library, the system of traveling libraries and the state historical department (all of which are declared to be a part of the system of the state library) and shall direct such purchases, receive such donations as may be made, and direct its policy in all particulars. The advisory board shall give advice and counsel to all free libraries in the state, and to all communities which may

propose to establish them, as to the best means of establishing and administering such libraries, the selection of good books, cataloguing, and other details of library management. [L.'03, p.353, s.5.]

Sec. 8216. Commission and board; office of; duty of librarian as secretary to. The state library commission and the advisory board shall have their office at the office of the state librarian. The state librarian shall act as secretary to the commission and to the advisory board, and as such secretary shall keep a record of the proceedings of the commission and advisory board, accounts of the financial transactions of the commission, and under its direction, and with the advice and assistance of the advisory board, act in organizing or improving free public libraries, and in the management of the state library or any department thereof. His expenses as such secretary shall be paid as are other expenses incurred by him. [L.'03, p.354, s.6.]

Sec. 9901. Bond, fee, seal and oath of office. Before a commission shall issue to the person appointed, (notary public) he shall:

1. Execute a bond, payable to the state of Washington, in the sum of one thousand dollars, with sureties to be approved by the county clerk of the county in which the applicant resides, conditioned for the faithful discharge of the duties of his office;

2. Pay into the state treasury the sum of ten dollars for special state library fund, taking the treasurer's receipt therefor. [L.'90, p.473, s.3, 1. H.C. s.331.]

Sec. 9911. Oath, seal, fee, etc. Before any commissioner (or deeds) appointed as aforesaid shall proceed to perform any of the duties of his office, he shall take and subscribe an oath before any clerk of a court of record, or other officer having an official seal authorized to administer oaths in the state or territory for which such commissioner is appointed, that he will faithfully discharge all duties of his office, a certificate of which shall be filed in the office of the secretary of state, and shall provide and keep an official seal, upon which must be engraved his name and the words "Commissioner of Deeds for the State of Washington," and the name of the state or territory for which he is commissioned, with the date at which his commission expires, and shall pay into the state treasury the sum of five dollars for the special library fund. [L.'90, p.90, s.2. 1.H.C., s 340.]

B. STATE BOARD FOR CERTIFICATION OF LIBRARIANS

(Remington's Rev. Stats. v.9, 1940 Suppl. p 37, s.8226-11.)

Sec. 8226-11. State board members; certification of librarians; examination; fee; qualification; application of act.

- (1) There is hereby created a state board for the certification of librarians, which shall consist of the state librarian, the executive officer of the department of librarianship of the University of Washington, and one other member to be appointed by the Governor for a term of three

(3) years from a list of three (3) persons nominated by the executive committee of the Washington Library Association. The members of the board shall serve without salary, shall have authority to establish rules and regulations for their own government and procedure, and shall prescribe and hold examinations to test the qualifications of those seeking certificates as librarians.

(2) The board shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American Library Association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

(3) Any person not a graduate of a library school accredited by the American Library Association, but who has served as a librarian or a full-time professional assistant in any library in this state for at least one (1) year or the equivalent thereof prior to the taking effect of this act, shall be granted a librarian's certificate without examination, but such certificate shall be good only for the position specified therein, unless specifically extended by the board.

(4) The board shall require a fee of not less than one dollar (\$1.00) nor more than five dollars (\$5.00) to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer. All necessary expenses of the board shall be paid from funds appropriated by the legislature upon warrants drawn by the state auditor upon presentation of proper vouchers approved by the board.

(5) After January 1, 1937, a library serving a community having over four (4000) thousand population shall not have in its employ, in the position of a librarian or in any other full-time professional library position, a person who does not hold a librarian's certificate issued by the board.

(6) A full-time professional library position, as intended by this section, is one that requires, in the opinion of the state board for the certification of librarians, a knowledge of books and library technique equivalent to that required for graduation from an accredited library school.

(7) The provisions of this section shall apply to every library serving a community having over four (4000) thousand population and to every library operated by the state or under its authority, including libraries of institutions of higher learning. Provided, that nothing in this section shall apply to the state law library or the county law libraries [Laws, 1935, p 341, s 11]

C STATE ARCHIVES COMMITTEE

(Remington's Rev. Stats. v.11, 1933, p 320, 393, 394, s 10767, 10767-1, 10953-10957, 10959; *Ibid.* 1941 Suppl p 568-570, s.10964-20 to 10964-29)

Sec. 10767-1. Duties devolve upon director of business control. The director of business control shall have the power, and it shall be his duty,

to exercise all the powers and perform all the duties now vested in and required to be performed by the state archives committee. [L.1929, p.412, s.1.]

Sec. 10767. Archives committee. The secretary of state, the superintendent of public instruction, and the state insurance commissioner, ex officio, shall constitute the state archives committee, which shall have power, and it shall be its duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the public archives commission [L '21, p.14, s 9]

NOTE—Duties of committee transferred to Director of Business Control

Sec 10953 Of whom composed; duties. There is hereby created a public archives commission which shall consist of the governor of the state, the secretary of the state and the state auditor who shall be the official custodians of all public documents, records and archives of the state, and in general all such material as shall come into its possession in accordance with the terms of this chapter [L '09, p 57, s 1]

NOTE—Public archives commission abolished

Sec 10954 "Archives defined." The term archives as used in this chapter shall be construed to mean manuscripts, manuscript books, records, printed books, papers, maps or drawings, or other papers of original record of any office, department, board or commission, constituting the state government, and which are not of current use, but whose chief use is that of preservation and reference, and which is required by law to be preserved, filed or recorded in any office of the state, or of any county or municipality, or of any officer or employee of the state or of any county or municipality. [L '09, p 57, s 2]

Sec 10955 Authority and duties of commission. The public archives commission shall have full and complete control of the official archives of the state, and it shall be their duty to arrange for the assortment, classification, labeling, filing, indexing, and cataloguing of the entire body of the archives committed to their custody. [L'09, p.58, s.3]

Sec 10956. Rules and regulations. They may adopt such rules and regulations regarding the care and custody of the official archives as they may deem best, and may authorize the making of copies of the same, which copies may be given under the seal of the commission, for which the commission may adopt an appropriate seal [L '09, p.58, s.4.]

Sec. 10957. Records surrendered to commission for preservation. Any state official, county or other official is hereby authorized and empowered in his discretion, to turn over to the public archives commission for permanent preservation therewith any official archives not in current use in his office. When so surrendered copies therefrom shall be made and certified by the archivist upon the application of any person interested, which certification shall have all the force and effect as if made by the officer originally in charge of them and for which the same fees shall be charged, to be collected

in advance: Provided, that in turning over the archives of his office the officer in charge thereof or his successor in office thereby loses none of his rights of access to them whenever necessary and for which no fees shall be charged. [L.'09, p.58, s.5.]

Sec. 10959. Biennial report to legislature. It shall be the duty of the commission to report biennially to the legislature the condition of the archives under their care, and to make such recommendations as will result in the records of this state being permanently preserved for historic and reference purposes [L.'09, p.59, s.7.]

Sec. 10964-20. Duty of director of finance, budget and business. The Director of Finance, Budget and Business, hereinafter referred to as the Director, is authorized, and it shall be his duty, to cause to be destroyed such public records more than fifteen years old as shall be determined to be of no further value either for administrative or historical purposes when authorized in writing by committee hereinafter created. [L.'41, ch.109, s.1.]

Sec. 10964-21. Departments of file lists. Upon the taking effect of this act all departments, commissions, and other agencies of the state government, shall prepare lists, upon blanks to be furnished by the Director, of records which, in the judgment of the executive officer of such departments, commissions, and agencies, are of no further administrative or historical value [L.'41, ch 109, s.2]

Sec. 10964-22. Committee to determine records to be destroyed. A committee composed of the Supervisor of the Division of Budget, the State Auditor, the Secretary of State, and the Attorney General, hereinafter referred to as the Committee, is hereby created and it shall be the duty of such Committee to determine what records shall be authorized to be destroyed. Authorization shall be by unanimous vote of the Committee entered upon authenticated list of records authorized to be destroyed. Copy of such authorization, accompanied by authenticated list, shall be filed as a public record in the office of the Secretary of State [L.'41, ch 109, s.3.]

Sec 10964-23. Advisory committee. Correspondence, exhibits, books, booklets, drawings, maps, or documents, unrelated to accounting records shall, before they are ordered to be destroyed, be reviewed for the purpose of determining historical or administrative value by Advisory Committee consisting of the State Librarian, one representative of the History Department of the University of Washington, to be selected by the President of such institution, and one member from the History Department of the Washington State College, similarly selected. Such Advisory Committee shall make its recommendation in writing which shall become a part of the permanent record to be filed as a public document in the office of the Secretary of State. [L.'41, ch 109, s.4.]

Sec. 10964-24. Salary and expenses. Members of such Advisory Committee shall serve without additional salary but shall be entitled to actual

traveling expense incurred incident to their services which shall be paid from appropriation made for the operation of capitol buildings and grounds. [L.'41, ch.109, s.5.]

Sec. 10964-25. Departments, etc., to cooperate in listing. All departments, commissions, and other agencies of the state, shall cooperate and facilitate listing of records as provided for in section 2 of this act. [L.'41, ch.109, s.6.]

Sec. 10964-26. Director to arrange destruction. The Director shall arrange for the destruction of records as directed by the Committee. [L.'41, ch.109, s.7.]

Sec. 10964-27 Destruction of certain records authorized; approval by state auditor. In order to provide available space for the filing and storage of current county and city records, the various County Auditors and City Clerks in the State of Washington are hereby given the authority under the provisions set forth herein, to destroy by fire, the following old records: Warrants, vouchers, tax and other miscellaneous receipts, tax rolls and tax roll accounts, or any other old records that may be approved for destruction in writing, by the State Auditor through its Division of Municipal Corporations: *Provided*, That in no instance shall such records be destroyed until they are ten (10) years old. [L.'41, ch 109, s 8.]

Sec 10964-28 County and city records; examination by state auditor. County or city records so designated for disposal, must be destroyed during the course of the regular examination of such county or city, and under the supervision of the Division of Municipal Corporations and its examiner or examiners *Provided*, That in no instance shall records be destroyed unless they have been audited and examined by the State Auditor, through its Division of Municipal Corporations and its examiners [L.'41, ch 109, s 9.]

Sec. 10964-29. Certification of list by county auditor and city clerk; filing of list and copy. Before any such records are destroyed a complete list of all county records to be destroyed must be certified to by the County Auditor and filed with the Board of County Commissioners, and a copy thereof filed with the State Division of Municipal Corporations. Before any city records are destroyed a complete list of all such records must be certified to by the City Clerk, and filed with the City Council, or Commissioner of Finance, and a copy thereof filed with the State Division of Municipal Corporations. [L.'41, ch.109, s 10.]

D. STATE HISTORICAL SOCIETIES

(1) WASHINGTON STATE HISTORICAL SOCIETY

(Remington's Rev Stats v 9, 1932, p 334-336, s 8259-8265)

Sec. 8259. Duties of historical society as trustee of the state. The Washington state historical society, a corporation existing under the laws

of the state of Washington, be and the same is hereby created the trustee of the state for the intent and purposes hereinafter mentioned, viz: (1) It shall be the duty of the said society to collect books, maps, charts, papers and materials illustrative of the history of this state, and of its progress and development. (2) To procure from pioneers authentic narrative of their experiences and of incidents relating to the early settlement of this state (3) To gather data and information concerning the origin, history, language and customs of our Indian tribes (4) To procure and purchase books, papers and pamphlets for the several departments of its collections, climatic, health and mortuary statistics, and such other books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects. (5) To bind, shelf, store and safely keep the unbound books, documents, manuscripts, pamphlets and newspaper files now or hereafter to come into its possession (6) To catalogue the collections of said society for the convenient reference of persons having occasion to consult same (7) To prepare biennially for publication a report of its collections and such other matters relating to the work of the society as may be useful to the state and the people thereof (8) To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors without charge [L '03, p.377, s.1.]

Sec 8260 Books, relics, etc., held in trust for state. The books, maps, charts, relics, memorials, collections and all other property of the society now owned or hereafter acquired, shall be held by the said society perpetually in trust for the use and benefit of the people of the state of Washington [L '03, p 378, s 2]

Sec 8261 Board of curators. The governor, secretary of state and state treasurer shall be ex-officio members of the board of curators of the said Washington state historical society, authorized and empowered to vote upon all questions coming before the said board for its action. [L '03, p 378, s.3]

Sec 8262. No compensation. No part of the moneys hereinafter appropriated shall be paid to any officer of the said historical society or to any employee thereof, as salary or compensation for services. [L '03, p 378, s 4]

Sec. 8263. State historical building; appropriation; site. For the purpose of constructing a state historical building in the city of Tacoma, for the use of the Washington state historical society, there is hereby appropriated from the general fund of the state of Washington the sum of twenty-five thousand dollars: Provided, that a suitable site for such state historical building be furnished without cost to the state of Washington therefor, and that such site shall be deeded to the state of Washington. [L '09, p 866, s.1.]

Sec 8264 Commission to complete building. For the purpose of erecting and completing the state historical building provided for by this act,

the governor, the secretary of state, the state treasurer, the president of the Washington state historical society, the vice-president of the Washington state historical society and the secretary of the Washington state historical society shall constitute a board or commission to be known as the state historical building commission, of which board the governor shall be chairman and the secretary of the Washington state historical society shall be secretary; the members of the said board shall act as such until the completion of the state historical building hereby provided for, and no member of said board shall be allowed or shall receive any compensation for his services as a member of such board, but all such members shall be allowed and be paid all their actual expenses while attending meetings of the board. [L.'09, p 866, s 2]

Sec. 8265. **Newspapers for state historical society.** The boards of county commissioners of the several counties may, in their discretion, acquire without expense, files of not more than three newspapers published in their respective counties and have the same suitably bound and delivered to the Washington state historical society for preservation Said society shall provide for such volumes a place in which they will be readily accessible to the public for examination and for the copying of extracts therefrom [L '15, p 237, s 1]

(2) **EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

(Remington's Rev. Stats v 9, 1932, p 336-337, s 8265-1 to 8265-3)

Sec 8265-1 **Trustee of state; duties of society.** That the Eastern Washington State Historical Society, a corporation existing under the laws of the state of Washington, be and the same is hereby created a trustee of the state of Washington for the intent and purposes hereinafter mentioned:

1 That it shall be the duty of the said society to collect books, maps, charts, papers and materials illustrative of the history of this state, and of its progress and development.

2. To procure from pioneers authentic narrative of their experiences and of incidents relating to the early settlement of this state.

3. To gather data and information concerning the origin, history, language and customs of our Indian tribes.

4 To procure and purchase books, papers and pamphlets for the several departments of its collections, climatic, health and mortuary statistics, and such other books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects.

5. To bind, shelf, store and safely keep the unbound books, documents, manuscripts, pamphlets and newspaper files now or hereafter to come into its possession.

6 To catalogue the collections of said society for the convenient reference of persons having occasion to consult same.

7. To prepare biennially for publication a report of its collections and

such other matters relating to the work of the society as may be useful to the state and people thereof.

8. To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors, without charge. [L.'25, Ex. Ses., p.572, s.1, 1927 Sup. s.8259-1.]

Sec. 8265-2. **Books, relics, etc., held in trust.** That the books, maps, charts, relics, memorials, collections and all other property of the society now owned or hereafter acquired shall be held by the said society perpetually in trust for the use and benefit of the people of the state of Washington. [L.'25, Ex. Ses., p.573, s 2; 1927 Sup. s.8259-2.]

Sec. 8265-3. **Ex-officio trustees.** That the governor, secretary of state and state treasurer shall be ex-officio members of the board of trustees of the said Eastern Washington State Historical Society, authorized and empowered to vote upon all questions coming before the said board for its action. [L.'25, Ex. Ses., p 573, s 3, 1927 Sup. s 8259-3.]

(3) STATE CAPITOL HISTORICAL ASSOCIATION

(Remington's Rev Stats 1941 Suppl p 334-335, s 8265-4 to 8265-8.)

Sec. 8265-4. **Duties of association as trustee.** The State Capitol Historical Association, a corporation existing under and by virtue of the laws of the State of Washington, be, and the same is hereby, created a trustee of the State of Washington for the intent and purposes hereinafter mentioned:

- 1 It shall be the duty of the said association to collect books, maps, charts, papers, relics and other materials illustrative of the history of this state, and, in particular, of the progress and development of the territorial capitol [capital] and the state capitol at Olympia;

2. To procure from pioneers authentic narratives of the experiences and of incidents relating to the early settlement of this state;

3. To shelf, store and safely keep such books, maps, charts, papers, relics and other historical material now or hereafter to come into its possession, at the State Capitol Historical Museum;

4. To catalog the collections of said association for the convenient reference of persons having occasion to consult the same;

5. To keep the museum display rooms open at reasonable hours for the reception of citizens and visitors, without charge. [Am L.'41, ch.44, s.1.]

Sec. 8265-5. **Books, maps, etc., held in trust; housing at state capitol museum.** The books, maps, charts, papers, relics and other historical material now or hereafter acquired by said association shall be held by said association perpetually in trust for the use and benefit of the people of the State of Washington and shall be housed at the State Capitol Museum. [Am. L.'41, ch 44, s.2.]

Sec. 8265-6. **Establishment of state historical museum.** The building and grounds designated as Block 2, Grainger's Addition to the City of

Olympia, County of Thurston, acquired by the state under Senate Joint Resolution No. 18, Session of 1939, is hereby designated a part of the state capitol, to be known as the State Capitol Historical Museum. This structure is to be used for purposes of housing said historical relics, documents and material as are now owned by the state and housed at the state capitol, and also such additional historical relics, documents and material which shall hereafter be acquired by the state for addition to the State Capitol Historical Museum, and also such historical collections which are now owned or shall hereafter be acquired by the State Capitol Historical Association. [Am. L.'41, ch.44, s 3.]

Sec. 8265-7. Board of trustees. The Governor, the Secretary of State, and the State Superintendent of Public Instruction shall be *ex officio* members of the board of trustees of said State Capitol Historical Association, and as such are hereby authorized and empowered to vote upon all questions coming before such board for its action [Am L.'41, ch 44, s 4.]

Sec. 8265-8. Curator; appointment of duties There shall be appointed by the State Capitol Historical Association, with the consent of the Governor, a person to be designated as curator of the State Capitol Museum, whose duties shall be:

- 1 To designate arrangements and locations of the various collections and historical material in the State Capitol Museum;
2. To be in charge when the State Capitol Museum is open for citizens and visitor;
3. To prepare a biennial report to the state legislature on the progress of development of the State Capitol Museum [Am. L.'41, ch 44, s.5]

E. DISTRIBUTION OF PUBLIC DOCUMENTS

(Remington's Rev Stats 1941 Suppl. p 324 to 328, s.8217-1 to 8217-7.)

Sec. 8217-1. "Public documents" defined. The term "Public Documents" as used in this act shall include the publications and reports of all state officers, or of any commission or commissions, board or boards, council, committee, or institution, or of any person or persons authorized or required by law to publish or render reports. [L.'41, ch.150, s.1]

Sec. 8217-2. Delivery of copies to state librarian, etc. It shall be the duty of the Public Printer to deliver to the State Librarian one hundred twenty-five (125) copies of each publication or report of every such state officer, commission or commissions, board or boards, council, committee, or institution, or of any person or persons authorized by law to print such publication. The Public Printer shall also retain two hundred (200) additional copies of all such publications which he shall arrange and bind in sets, each volume of which shall be adequately labeled and contain the title, "Washington Public Documents." The State Librarian is authorized and directed to make such distribution of each publication and of the sets of public documents as will in his judgment be most informative and

beneficial to the state officers and public generally. The State Librarian is also authorized to make such exchanges thereof, within and without the state, as to him seems fit and proper.

Every state publication, not printed by the Public Printer, whether in printed or mimeographed form, shall be deposited in triplicate with the State Library. [L.'41, ch.150, s.2.]

Sec. 8217-3. Receipt of publications by state law librarian. The State Law Librarian shall receive from the Public Printer, whose duty it shall be to deliver to him, all bound volumes of the Session Laws, and the House and Senate Journals as the same are published. He shall also receive from the publisher of the Supreme Court Reports of the State of Washington such copies as are purchased by the Supreme Court for the use of the state [L '41, ch 150, s 3.]

Sec. 8217-4 Distribution of session laws. Session Laws shall be distributed, sold and/or exchanged by the State Law Librarian as follows:

- (a) Copies shall be given as follows One to each United States Senator and Representative in Congress from this state, six to the Library of Congress; one to each United States executive department as defined by section 1, title 5, of the United States Code; three to the United States Supreme Court Library, three to the Library of the Circuit Court of Appeals of the Ninth Circuit, one to each United States District Court room within this state; one to each office and branch office of the United States District Attorneys in this state, one to each state official whose office is created by the Constitution, one to the Judge Advocate's office at Fort Lewis; one to each member of the Legislature, Session Law Indexer, Secretary and Assistant Secretary of the Senate, Chief Clerk and the Assistant Chief Clerk of the House of Representatives, the Minute Clerk and Sergeant-at-Arms of the two branches of the Legislature of the sessions of which they occupied the offices and positions mentioned, one copy each to the Olympia representatives of the Associated Press and the United Press; and two copies to the Law Library of Gonzaga University Law School.
- (b) Copies, for official use only, shall be distributed as follows: One to each state department and to each division thereof; one to each state official whose office is created by the Constitution, except the Governor, who shall receive three copies; one each to the Adjutant General, the State Historical Society, the State Bar Association, and to each state institution; one copy for each Assistant Attorney General who maintains his office in the Attorney General's suite, and one additional copy for his stenographer's room; one copy to each Prosecuting Attorney and one for each of his deputies.

Sufficient copies shall be furnished for the use of the Supreme Court and the State Law Library as from time to time are needed. Eight copies shall be distributed to the University of Washington Law Library; one copy each to the offices of the President and the Board of Regents of the University of Washington, the Dean of the University of Washington School of Law, and to the University of Washington Library, one copy to the library of each of the colleges of education (formerly called the normal schools); one copy each to the President of the Washington State College and to the Washington State College Library. Six copies shall be sent to the King County Law Library, and one copy to each of the County Law libraries organized pursuant to law in the counties of the first, second and third class; one copy to each Public Library in cities of the first class, and one copy to the municipal reference branch of the Seattle Public Library.

At the convening of each session of the Legislature the State Law Librarian shall deliver to the Chief Clerk of the House of Representatives twenty copies, and to the Secretary of State, ten copies, of the laws of the preceding general session and of any intervening session for the use of the Legislators during the ensuing session but which shall be returned to the State Law Library at the expiration of the Legislative session.

It shall be the duty of each County Auditor biennially to submit to the State Law Librarian a list of county officers, including the Prosecuting Attorney and his regular full-time deputies and the Justices of the Peace and Superior Court rooms regularly used by a Justice of the Peace or Superior Court Judge, and the correct number of bound copies of the Session Laws necessary for the official use only of such officers and court rooms will be sent, transportation collect, to said County Auditor who shall be responsible for the distribution thereof to the county officials entitled to receive them

- (c) Surplus copies of the Session Laws shall be sold and delivered by the State Law Librarian, in which case the price of the bound volumes shall be four dollars (\$4 00) each for those of the general sessions, and two dollars (\$2 00) each for those of the special sessions when separately bound. All moneys received from the sale of such bound volumes of Session Laws shall be paid into the State Treasury for the general fund
- (d) The State Law Librarian is authorized to exchange bound copies of the Session Laws for similar laws or legal materials of other states, territories and governments, and to make such other and further distribution of the bound volumes as in his judgment seems proper. [L.'41, ch.150, s 4.]

Sec. 8217-5. Distribution of house and senate journals. The House and Senate Journals shall be distributed and/or sold by the State Law Librarian as follows:

- (a) Sets shall be distributed as follows: One set to each member of the Legislature, Secretary and Assistant Secretary of the Senate, Chief Clerk and Assistant to the Chief Clerk of the House of Representatives, and to each Minute Clerk and Sergeant-at-Arms of the two branches of the Legislature of which they occupy the offices and positions mentioned. One to each official whose office is created by the Constitution, and one to each state department director, three copies to the University of Washington Law Library; two copies to the University of Washington Library; one to the King County Law Library; one to the Washington State College Library, one to the library of each of the Colleges of Education (formerly called the normal schools), one to the Law Library of Gonzaga University Law School; and one to each free public library in the state which requests it
- (b) A set of the House and Senate Journals of the preceding general session, and of any intervening special session, shall be placed on the desk of each Legislator for his use during the ensuing session, which shall be returned to the State Law Library at the expiration of the legislative session; and sufficient sets shall be retained for the use of the State Law Library.
- (c) Surplus sets of the House and Senate Journals shall be sold and delivered by the State Law Librarian, in which case the price shall be fifteen dollars (\$15 00) for those of the general sessions, and ten dollars (\$10 00) for those of the special sessions, when separately bound, and the proceeds therefrom shall be paid to the State Treasurer for the general fund
- (d) The State Law Librarian is authorized to exchange copies of the House and Senate Journals for similar journals of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution of them as in his judgment seems proper [L.'41, ch 150, s 5.]

Sec. 8217-6. Distribution of supreme court reports. The Supreme Court Reports shall be distributed by the State Law Librarian as follows:

- (a) Each Supreme Court Judge is entitled to receive one copy of each volume containing an opinion signed by him.
- (b) The State Law Librarian shall retain forty-five copies for the benefit of the State Law Library and the Supreme Court and its subsidiary offices, he shall provide one copy each for the official use of the Attorney General and for each Assistant Attorney General maintaining his office in the Attorney General's suite; three copies for the office of Prosecuting Attorney, in class A counties;

two copies for such office in first class counties, and one copy for each other Prosecuting Attorney; one for each United States District Court room and every Superior Court room in this state if regularly used by a Judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the Division of Budget, and one copy to the Division of Inheritance Tax and Escheats; one copy each to the United States Supreme Court, to the United States District Attorney's offices at Seattle and Spokane, to the office of the United States Attorney General, the Library of the Circuit Court of Appeals of the Ninth Circuit, the Seattle Public Library, the Tacoma Public Library, the Spokane Public Library, the University of Washington Library, and the Washington State College Library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington Law Library and two copies to the Gonzaga University Law School Library; six copies to the King County Law Library; and one copy to each County Law Library organized pursuant to law in counties of the first, second and third class

- (c) The State Law Librarian is likewise authorized to exchange copies of the Supreme Court Reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his judgment seems proper. [L.'41, ch.150, s 6]

Sec. 8217-7. **Extra copies to library.** On the publication of each volume of reports the Supreme Court must purchase for the use of the state, from the publisher to whom the contract is awarded, three hundred copies of said volume, and such additional copies as the court may deem to be necessary, at the price named in the contract, and deliver the same to the Law Librarian of the State Law Library, who shall distribute same as required by the provisions of section 6 of this act. [L.'41, ch 150, s.7.]

F. PUBLIC LIBRARIES

(1) GENERAL PROVISIONS

(Remington's Rev Stats 1941 Suppl p 329 to 334, s 8226-2 to 8226-5, 8226-7 to 8226-10, 8226-12 to 8226-20; *Ibid* v 9, 1940 Suppl p 38, 39, s 8226-12 to 8226-20)

Sec. 8226-2 **Definitions.** As used in this act, unless the context requires a different meaning (1) "governmental unit" means any county, city, town, rural county library district, or school district, except a union high school district; (2) "legislative body" means the body authorized to determine the amount of taxes to be levied in a governmental unit; in rural county library districts the legislative body shall be the board of library trustees of the district; (3) "library" means a free public library

supported in whole or in part with money derived from taxation; and (4) "regional library" means a free public library maintained by two or more counties or other governmental units; and (5) "rural county library district" means a library serving all the area of a county not included within the area of incorporated cities and towns. [Am. L '41, ch 65, s.1.]

Sec. 8226-3. Governmental unit has power to establish library. Any governmental unit has power to establish and maintain a library, either by itself or in cooperation with one or more other governmental units. [Am. L '41, ch 65, s 2]

Sec 8226-4 How established; submission to voters; petition by taxpayers. A library may be established in any county, city, town, or school district, except a union high school district, either (1) by its legislative body of its own initiative; or (2) upon the petition of one hundred (100) tax payers of such a governmental unit, the legislative body shall submit to a vote of the qualified electors thereof, at the next municipal or special election held therein (in the case of a city, town, or school district) or the next general election or special election held therein (in the case of a county), the question whether a library shall be established, and if a majority of the electors voting on the question vote in favor of the establishment of a library, the legislative body shall forthwith establish one [Am L '41, ch 65, s 3.]

Sec. 8226-4a Rural county library districts; establishment; petition; election; appointment of trustees; tax levy; limitation of amount and collection. Rural county library districts are hereby authorized for the purpose of giving free public library service to the residents. Such districts shall include all areas of the county outside incorporated cities and towns. A rural county library district may be established by a majority vote of the people voting on the proposition in the district. The procedure for the establishment of such a rural county library district shall be as follows: (1) Petitions signed by at least one hundred (100) tax paying citizens of the county, outside of the area of incorporated cities and towns, asking that the question: "Shall a rural county library district be established?" shall be filed with the board of county commissioners. (2) The board of county commissioners, after having determined that the petition was signed by the requisite number of qualified petitioners, shall place the proposition for the establishment of a rural county library district on the ballot for the vote of the people of the county, outside incorporated cities and towns, at the next succeeding general or special election. (3) If a majority of the electors voting on the proposition vote in favor of the establishment of a rural county library district, the board of county commissioners shall forthwith declare it established. After the board of county commissioners has declared a rural county library district established, it shall appoint a board of library trustees as is provided in section 8 hereof and provide funds for the establishment and maintenance of

library service for the district by making a tax levy on the property in the district of not more than two (2) mills per annum and thereafter shall levy a tax upon said district sufficient for the library service as is required by the budget submitted to the board of county commissioners by the board of library trustees. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district. It shall be the duty of the county treasurer of the county in which any rural county library district is created under this act to receive and disburse all district revenues and to collect all taxes levied under this act.

A rural county library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes [Am L'41, ch 65, s 4]

Sec 8226-5 Joint county regional library; contract; withdrawal and division of property. Two (2) or more counties, or other governmental units, by action of their legislative bodies, may join in establishing and maintaining a regional library under the terms of a contract to which all will agree. The expenses of the regional library shall be apportioned between or among the contracting parties concerned on such basis as shall be agreed upon in the contract. The treasurer of one of the governmental units, as shall be provided in the contract, shall have the custody of the funds of the regional library; and the treasurers of the other governmental units concerned shall transfer quarterly to him all moneys collected for free public library purposes in their respective governmental units. If the legislative body of any governmental unit decides to withdraw from a regional library contract, the governmental unit withdrawing shall be entitled to a division of the property on the basis of its contributions. [Am L'41, ch 65, s 5]

Sec 8226-7 Contract for library service; inspection by state librarian; school service. Instead of establishing or maintaining an independent library, the legislative body of any governmental unit authorized to maintain a library shall have power to contract to receive library service from an existing library, the board of trustees of which shall have reciprocal power to contract to render the service with the consent of the legislative body of its governmental unit. Such a contract shall require that the existing library perform all the functions of a library within the governmental unit wanting service. In like manner a legislative body may contract for library service from a library not owned by a public corporation but maintained for free public use: Provided, That such a library be subject to inspection by the state librarian and be certified by him as maintaining a proper standard. Any school district may contract for school library service from any existing library, such service to be paid for from funds available to the school district for library purposes [Am L'41, ch.65, s 6.]

Sec. 8226-8. Board of trustees; appointment and election; terms; vacancies; expenses allowable; removal. The management and control of a library shall be vested in a board of five (5) trustees. In cities and towns the trustees shall be appointed by the mayor with the consent of the legislative body. In counties and rural county library districts they shall be appointed by the board of county commissioners. In a regional library district they shall be appointed by the joint action of the legislative bodies concerned. In school districts they shall be elected by the voters in the manner in which school directors are elected. The first appointments or elections shall be for terms of one (1), two (2), three (3), four (4), five (5) years respectively, and hereafter a trustee shall be appointed or elected annually to serve for five (5) years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen: Provided, That where the library is a school district public library, the remaining members of the board of trustees shall fill such vacancies by appointment, for terms to expire at the next regular election of library trustees. A library trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library funds. A library trustee in the case of a city or town may be removed only by vote of the legislative body. A library trustee of a school district public library may be removed only by a majority vote of the other trustees. A trustee of a county library or a rural county library district library may be removed by the county commissioners after a public hearing upon a written complaint stating the ground for removal, which complaint, with a notice of the time and place of hearing, shall have been served upon the trustee at least fifteen (15) days before the hearing. [Am. L.'41, ch 65, s.7]

Sec. 8226-9. Organization-by-laws; librarian; compensation; annual budget; powers. The trustees, immediately after their appointment or election, shall meet and organize by the election of such officers as they deem necessary. They shall (1) adopt such by-laws, rules, and regulations for their own guidance and for the government of the library as they deem expedient; (2) have the supervision, care, and custody of all property of the library, including the rooms or buildings constructed, leased, or set apart therefor; (3) employ a librarian, and upon his recommendation employ such other assistants as may be necessary, all in accordance with the provisions of section 11 of this act, prescribe their duties, fix their compensation, and remove them for cause, (4) submit annually to the legislative body a budget containing estimates in detail of the amount of money necessary for the library for the ensuing year; except that in a rural county library district the board of library trustees shall prepare its budget, certify the same and deliver it to the board of county commissioners in ample time for it to make the tax levies for the purpose of the district; (5) have exclusive control of the finances of the library; (6) accept such

gifts of money or property for library purposes as they deem expedient; (7) lease or purchase land for library buildings; (8) lease, purchase, or erect an appropriate building or buildings for library purposes, and acquire such other property as may be needed therefor; (9) purchase books, periodicals, maps, and supplies for the library; and (10) do all other acts necessary for the orderly and efficient management and control of the library [Am. L '41, ch 65, s.8]

Sec. 8226-10 Appropriation; custody of fund; control of expenditures. After a library shall have been established or library service contracted for, the legislative body of the governmental unit for which the library was established or the service engaged, shall appropriate money annually for the support of the library: Provided, That with respect to a school district public library it shall not be necessary for the school board of the district in which said library is located to make an appropriation of the moneys derived from the levy provided in section 9a of this act, but all such moneys shall at all times be available for the use of said library All funds for the library, whether derived from taxation or otherwise, shall be in the custody of the treasurer of the governmental unit, and shall be designated by him in some manner for identification, and shall not be used for any but library purposes. The board of trustees shall have the exclusive control of expenditures for library purposes subject to any examination of accounts required by the state and money shall be paid for library purposes only upon vouchers of the board of trustees, without further audit The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and/or available for library purposes. [Am L '41, ch 65, s 9]

Sec 8226-12 Annual Reports. At the close of each year the board of trustees of every library shall make a report to the legislative body of the governmental unit wherein the board serves, showing the condition of their trust during the year, the sums of money received for the library fund from taxes and other sources, the sums of money expended and the purposes of the expenditures, the number of books and periodicals on hand, the number added during the year, the number retired, the number loaned out, and such other statistics and information and such suggestions as they deem of public interest. A copy of this report shall be filed with the state librarian. [Laws, 1935, p 343, s.12]

Sec. 8226-13. Libraries free; rules. Every library established or maintained under this act shall be free for the use of the inhabitants of the governmental unit in which it is located, subject to such reasonable rules and regulations as the trustees find necessary to assure the greatest benefit to the greatest number, except that the trustees may charge a reasonable fee for the use of certain duplicate copies of popular books [Laws, 1935, p.343, s.13.]

Sec. 8226-14. Use by non-residents. The board of trustees of a library,

under such rules and regulations as it may deem necessary and upon such terms and conditions as may be agreed upon, may allow non-residents of the governmental unit in which the library is situated to use the books thereof, and may make exchanges of books with any other library, either permanently or temporarily. [Laws, 1935, p.344, s.14]

Sec. 8226-15. Exclusion of violators. A board of library trustees may exclude from the use of the library under its charge any person who wilfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities or any person whose physical condition is deemed dangerous or offensive to other library users [Laws, 1935, p.344, s.15]

Sec 8226-16 Injury to property; penalty. Whoever intentionally injures, defaces, or destroys any property belonging to or deposited in any public library, reading room, or other educational institution, shall be guilty of a misdemeanor [Laws, 1935, p.344, s 16.]

Sec. 8226-17 Wilfully retaining books; notice; penalty. Whoever wilfully retains any book, newspaper, magazines, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty (30) days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept, shall be guilty of a misdemeanor. [Laws, 1935, p.344, s 17]

Sec 8226-18. Title to property. The title to money or property given to or for the use or benefit of a library shall vest in the board of trustees, to be held and used according to the terms of the gift [Laws, 1935, p 344, s 18]

Sec 8226-19. Existing libraries; compliance with act; city charters superseded Every existing free public library shall be considered as if established under this act, and the board of trustees and the legislative body of the governmental unit in which the library is located shall proceed forthwith to make such changes as may be necessary to effect compliance with the terms hereof; and every existing contract for library service shall continue in force and be subject to this act until the contract is terminated or a library be established by the governmental unit for which the service was engaged. The provisions of this act shall be construed as superseding the provisions of any municipal charter in conflict herewith. [Laws, 1935, p.345, s.19.]

Sec 8226-20. Vote to abolish; disposition of property. A library established or maintained under this act (except a regional library) may be abolished only in pursuance of a vote of the electors of the governmental unit in which the library is located, taken in the manner prescribed in Section 8226-4 for a vote upon the establishment of a library If a library of a city, town, or school district be abolished, the books and other printed or written matter belonging to it shall go to the library of the county

whereof the municipality is a part, if there be a county library, but if not, then to the state library. If a library of a county or region be abolished, the books and other printed matter belonging to it shall go to the state library. All other library property shall be disposed of as the legislative body of the governmental unit shall direct. [Laws, 1935, p.345, s.20.]

(2) CITIES OF THE FIRST CLASS

(Remington's Rev. Stats. v.10, 1932, p 77, s.8966 (20))

Sec 8966. **Powers enumerated.** Any such city shall have power— * * *

20. To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such per centum of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public; * * * [L.'90, p.218, s.5; 1 H C , s 520.]

G. COUNTY LAW LIBRARIES

(Remington's Rev. Stats. v.9, 1932, p 330-332, s 8247-8253; *Ibid* 1940 Pocket Suppl p 39-42, s 8254 to 8254-8)

Sec 8247. **Authorization.** In each county having a population of three hundred thousand or more there shall be a county law library, which shall be governed and maintained as hereinafter provided. [L.'19, p.196, s.1.]

Sec 8248. **Board of Trustees; officers and meetings.** There shall be in every such county a board of Law Library Trustees consisting of five members to be constituted as follows The chairman of the board of county commissioners shall be ex officio a trustee, and the judges of the Superior Court of the county shall choose two of their number and two members of the bar of the county to be trustees The term of office of a member of the board who is a judge shall be for as long as he continues to be a judge, and the term of a member who is from the bar shall be for four years. Vacancies shall be filled as they occur and in the manner above directed. The office of trustee shall be without salary or other compensation. The board shall elect one of their number president and the librarian shall act as secretary. Meetings shall be held at least quarterly and as much oftener and at such times as may be prescribed by rule. [L.'19, p.196, s.2.]

Sec. 8249. **Powers of Board.** The board of law library trustees shall have power:

(1) To make and enforce rules for their procedure and for the government, care and use of the library, and for the guidance of employees.

(2) To remove any trustee, except an ex officio trustee, for neglect to attend the meetings of the board.

(3) To employ a librarian and assistants, to prescribe their duties, fix their compensation and remove them at will.

(4) To purchase books, periodicals and other property suitable for the library and to accept gifts and bequests of money and property for the library, and to sell property which is unsuitable or not needed for the library.

(5) To examine and approve for payment claims and demands payable out of the county law library fund. [L.19, p 196, s 3]

Sec. 8250. Reports by trustees. The board of law library trustees shall, on or before the first Monday in September of each year, make a report to the board of county commissioners of their county giving the condition of their trust, with a full statement of all property received and how used, the number of books and other publications on hand, the number added by purchase, gift or otherwise during the preceding year, the number lost or missing, and such other information as may be of public interest, together with a financial report showing all receipts and disbursements of money [L.'19, p 197, s.4.]

Sec. 8251 County to provide library room. The board of county commissioners of each county to which this act is applicable shall, upon demand by the board of law library trustees, provide a room suitable for the law library, adequately heated and lighted. [L.'19, p 197, s 5]

Sec 8252 Persons entitled to use library. The use of the county law library shall be free to the judges of the state and to state and county officials and to the inhabitants of the county The board of law library trustees may prescribe uniform rules for the use of the library [L'19, p 197, s 6]

Sec 8253 Publications to be supplied by state officials. State officials charged with the distribution of books, reports and publications are authorized to supply to each county law library established under this act the same books, reports and publications, and in the same quantities as they are authorized to supply to the law library of the University of Washington, and the librarian of the state law library is hereby authorized and directed to distribute among the County law libraries established under this act, such duplicates of books and publications as may be in the supreme court library not needed for its purpose [L'19, p 198, s 7]

Sec 8254 Law library fund; filing fees in actions for fund. In every civil action hereafter commenced in the superior courts of counties to which this act is applicable, there shall be paid to the clerk of the court, in addition to other fees required by law, by the plaintiff or person instituting the action, when the case is entered in the court or when the first paper on his part is filed therein, a fee of one dollar and fifty cents (\$1 50), and by the defendant or other adverse party and by an intervener, or by groups of two or more defendants or other adverse parties or interveners appearing separately for the others, when his or their appearance is entered in the case, or when his or their first paper is filed therein, a fee of one dollar and fifty cents (\$1 50). Such fees shall be costs in the case and

taxable as such. The clerk shall pay the same into the county treasury, where they shall go into the law library fund and be expended only for the county law library. [L.'37, ch.32, p 79, s.1.]

Sec. 8254-1. Law libraries in first, second and third class counties. In each county of the first, second and third classes there shall be a county law library which shall be governed and maintained as hereinafter provided. [L.'33, p.630, s.1.]

Sec. 8254-2. State publications receivable. (The footnote under this section in vol 9 should read Publications receivable by state law librarian: See supra, ss 8220-8225)

Sec. 8254-3. Fund created; fees. In every civil action hereafter commenced in the superior courts of the counties in which this act is applicable, there shall be paid to the clerk of the court, in addition to other fees required by law, by the plaintiff or person instituting the action, when the case is entered in the courts, or when the first paper on his part is filed therein, a fee of one dollar, and by the defendant, or other adverse party and by an intervenor or by groups of two or more defendants, or other adverse parties or intervenors, appearing separately from the others, when his or their first appearance is entered in the case or when his or their first paper is filed therein a fee of one dollar, such fee to be costs in the case and taxable as such. The clerk shall pay the same into the county treasury where they shall go into the law library fund and be expended in the manner provided in section 8254-5. Provided, that whenever in the judgment of the board of trustees said fund shall have assumed sufficient proportions for all present needs, the taxing of said fees as in this section provided may be discontinued, in which event said board of trustees of said county will file with the county clerk of said county a written resolution to that effect, and thereafter said county clerk shall cease to tax said fees until such time as such resolution is properly rescinded by said trustees, whereupon said fees shall again be taxed as herein provided. [L.'33, p 630, s 2]

Sec. 8254-4 Board of law library trustees; members; term; officers. There shall be in every such county a board of law library trustees consisting of five members to be constituted, as follows: Chairman of the board of county commissioners shall be ex officio trustee and the judges of the superior court of the county shall choose one of their number, and the members of the county bar association (or if there be no bar association, then the lawyers of said county) shall choose three of their number to be trustees. The term of office of a member of the board who is a judge, shall be for as long as he continues to be a judge, and the term of a member who is from the bar shall be four years. Vacancies shall be filled as they occur and in the manner above directed. The office of trustee shall be without salary or other compensation. The board shall elect one of their number president, and one as secretary, or if a librarian is appointed the librarian

shall act as secretary. Meetings shall be held at least once a year and as much oftener and at such times as may be prescribed by rule. [L.'33, p.631, s.3.]

Sec. 8254-5. Powers of board. The board of law library trustees shall have power :

1. To make and enforce rules for their own procedure and for the government, care and use of the library and for the guidance of employees.

2. To remove any trustee, except an ex officio trustee, for neglect to attend the meetings of the board.

3. To employ a librarian and assistants if necessary, and to prescribe their duties, fix their compensation and remove them at will.

4. To purchase books, periodicals and other property suitable for the library and to accept gifts and bequests of money and property for the library and to sell property which is unsuitable or not needed for the library.

5. To examine and approve for payment claims and demands payable out of the county law library fund [L '33, p.632, s.3.]

Sec. 8254-6 Annual reports. The board of law library trustees shall on or before the first Monday of September of each year make a report to the board of county commissioners of said county, giving the condition of their trust and a full statement of property received and how used, number of books and other publications on hand, the number added by purchase, gift or otherwise during the preceding year, the number lost or missing, and such other information as may be of public interest, together with a financial report of all receipts and disbursements of money. [L.'33, p 632, s.3.]

Sec. 8254-7 Library rooms and service. The board of county commissioners of each county to which this act is applicable, shall upon demand by the board of law library trustees, provide a room suitable for the law library, adequately heated, lighted, and janitor service. [L '33, p.632, s.3.]

Sec. 8254-8 Free use of library. The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the board of trustees may by rule provide. [L.'33, p.632, s 3]

H. SCHOOL LIBRARIES

(Remington's Rev. Stats v.6, 1932, p.387, 388, 457, s.4926-4931, 5057)

Sec. 4926. County superintendent authorized to establish. The county superintendent of each county of this state may establish a circulating library for the use and benefit of the pupils of the common schools of such county. [L.'09, p.320, s.1.]

Sec. 4927. Tax levy for library fund. At the time fixed for the levy of the county tax, the county commissioners of each county may levy a tax

sufficient to carry into effect the provisions of section 4926: Provided, that said tax shall not exceed one-tenth of one mill on each dollar of the assessed valuation of the said county. The proceeds of said tax shall, when collected, constitute a circulating school library fund for the payment of all bills created by the purchase of books and fixtures by the county superintendent. [L.'09, p.320, s.2.]

Sec. 4928. **Bills against fund to be certified.** The county commissioners shall allow no bill or bills against said fund until it shall have been certified to be correct by the county superintendent. [L '09, p 320, s.3]

Sec. 4929 **Sufficient funds before purchasing books.** The county superintendent shall purchase no books or fixtures for such circulating library until there shall be to the credit of the circulating school library fund sufficient money to pay the purchase price thereof. [L.'09, p 320, s.4.]

Sec. 4930. **Approval of books.** No book shall be placed in a county circulating library unless it has been recommended by the state board of education, or the superintendent of public instruction. [L.'09, p.320, s.5]

Sec. 4931. **County superintendent; duties.** It shall be the duty of the county superintendent to purchase the books and to enforce such rules and regulations for their distribution, use, care and preservation as he may deem necessary. [L '09, p 320, s 6]

Sec. 5057. **Mutilating property.** Any pupil who shall cut, deface or otherwise injure any schoolhouse, furniture, fence or outbuilding thereof, or any book or books belonging to the district library, shall be liable to suspension and punishment, and the parent or guardian of such pupil shall be liable for damages, on complaint of the teacher or of any director or other person residing in the district; and when such damages shall have been collected they shall be turned over to the county treasurer and by him placed to the credit of the school district sustaining such damages. [L '09, p.361, s 14]

I. TAX EXEMPTIONS

(Remington's Rev Stats v 11, 1932, 1940 Pocket Suppl. p 139-140,
s 11111, 4th)

WEST VIRGINIA

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A. STATE LAW LIBRARY

(West Virginia Code 1937, p 1805-1807, s 5252-5260)

Sec 5252. [1] **West Virginia Law Library; control and management.** The state law library now in the city of Charleston shall be known as the "West Virginia Law Library," and shall be wholly under the control and management and in the custody of the supreme court of appeals [Code 1931, ch 51, Art 8, s 1.]

Sec 5253. [2] **Librarian; bond; assistants; compensation.** The supreme court of appeals, or the judges thereof in vacation, shall appoint a competent librarian to have the immediate custody and charge of the West Virginia law library under the direction of the court. Such librarian shall give bond in the penalty fixed by the court of not less than two nor more than five thousand dollars, with surety thereon, to be approved by the court, and conditioned as provided for official bonds. Such bond shall be deposited for safe keeping with the clerk of the court. The librarian shall be an officer of the court and shall hold his office and be removable at its pleasure. Vacancies in the office of librarian occurring during a vacation of the court may be filled by appointment in writing made by the judges of the court, or any three of them. When, in the opinion of the court, other employees are needed for the proper protection and use of the library, it may employ such assistants as may be necessary for that purpose. The

salary of the librarian shall be three thousand dollars per annum payable in monthly installments, and the expense of such assistants shall be fixed by the court and shall be paid upon order of the court. [Code 1931, ch.51, Article 8, s.2.]

Sec. 5254. [3] **Rules and regulations governing use of library.** The library shall be open under such rules and regulations as the court may prescribe from time to time, and it shall be the duty of the court to adopt such rules and regulations and to cause them to be published, as other rules of the court are published. [Code 1931, ch.51, Art 8, s.3]

Sec. 5255 [4] **Control of library by court; expenses.** The supreme court of appeals shall have the power and it shall be its duty, to purchase such new and additional books for the library as in its opinion shall be right and proper, and shall cause such exchanges or sales of books to be made as may be for the benefit of the library, and, in general, the court shall cause to be done and performed all things necessary and proper to keep the books of such library in good condition, and for that purpose may cause such catalogs to be made as may be necessary

All expenses necessarily incurred under the order of the court for the purposes of this article, including postage, freight and express charges, shall be paid out of appropriations for that purpose, under the order of the court [Code 1931, ch 51, Art.8, s 4]

Sec. 5256 [5] **Distribution of West Virginia reports.** The librarian shall have charge of the distribution of the West Virginia reports after the same are printed and bound and approved by the reporter. As soon as practicable after any new volume of such reports has been delivered to the librarian, not including reprints of former volumes, he shall dispose of the same as follows: Ten copies to the college of law of West Virginia university, one copy to the governor, two copies to the attorney general, one copy to the judge of every court of this State, one copy to the head of each of the subordinate executive departments at the state capitol, one copy to the public service commission, one copy to the board of control, one copy to the adjutant general, two copies to the department of archives and history, and one copy to every other administrative board or commission at the state capitol. The librarian shall place five copies in the state law library at Charleston, and shall send five copies to the congressional law library at Washington, District of Columbia. He shall also arrange, as far as possible, to exchange four copies of each volume of such reports for a like number of copies of the current volumes of the reports of the court of last resort of each of the states, of which said last mentioned reports, when received, he shall place one copy in the state law library at Charleston, and shall send one copy each to the college of law of West Virginia university, to the association at Charles Town, and to the Ohio county library at Wheeling. The governor may, in writing, cause additional copies of such reports to be furnished to any officer, court institution or board now entitled to one or more copies; and he may also cause one or more copies of such

reports to be furnished to any officer, board, commission, institution or tribunal not named herein. The copies of said reports furnished to any officer, judge, library, board or commission shall remain the property of the State, and the copy received by any judge or officer shall be turned over to his successor in office. The copies furnished to any library, board or commission shall be safely kept therein. [Code 1931, ch.51, Art 8, s.5.]

Sec 5257. [6] **Distribution of acts of legislature.** Free distribution of the acts and resolutions of each session of the legislature, and other matter directed by law to be published therewith, shall be made as follows by the state librarian: One copy to every judge and clerk of each court in this State; one copy each to the judge, clerk and marshal of every United States district court of this State, one copy to every prosecuting attorney, sheriff, assessor, county superintendent of free schools, surveyor of lands, commissioner of the county court, and justice of the peace; five copies to the governor; three copies to the attorney general; two copies each to the state superintendent of free schools, secretary of state and the auditor; one copy each to the treasurer and the adjutant general, four copies to the public service commission; three copies to the board of control; one copy each to the chief of the department of mines, the commissioner of labor, and the commissioner of agriculture, five copies to the clerk of the senate, one for his own use, and the others to be kept in his office for the use of the senate; ten copies to the clerk of the house of delegates, one for his own use and the others to be kept in his office for the use of the house, ten copies to each member of the legislature, one for his own use and the others for distribution, ten copies to the college of law of the West Virginia university; one copy to each public institution of the State; three copies to the librarian of congress, one for the library and one for each house of congress; one copy to each senator and representative in congress from this State; three copies to the secretary of state of the United States, one for his own office, one for the president and one for the attorney general of the United States; one copy to the governor of each state, territory and possession of the United States. The librarian shall arrange as far as possible with each of the other states for the exchange of two copies therewith, one of which copies received from each state shall be deposited in the state law library at Charleston, one copy in the library of the college of law of West Virginia university, and the other copies, if any, so received from any other state, to be disposed of as the governor shall direct. All of the copies named in this section shall be sent by mail, express or otherwise, as the librarian may deem best. The acts to which officers of a county may be entitled shall be forwarded to the clerk of the county court thereof and shall be delivered by him to the officers entitled to receive the same. Upon receipt of such acts by him, the clerk of the county court shall forward his receipt therefor to the librarian, specifying the number received, and he shall require each person receiving a copy of such acts from him to sign a receipt therefor

in a book to be kept by him for that purpose. The remaining copies of the acts shall be in the custody of the state board of control and be sold and disposed of as provided in article two, chapter twenty-five (s.2617) of this Code. The governor may, in writing, cause additional copies of such acts to be furnished to any officer, court, institution or board now entitled to one or more copies, and he may also cause one or more of such acts to be furnished to any officer, board, commission, institution or tribunal not named herein. [Code 1931, ch.51, Art.8, s.6.]

Sec. 5258. [7]. Accounts and reports of librarian. The librarian shall keep full and complete account of all money transactions in connection with such library and of the receipt of all books therein, and shall perform such other duties in connection therewith as may be ordered by the court. The librarian shall make an annual report to the court within thirty days after the close of each fiscal year, in which he shall state the number of copies of reports and session acts received by him, and what disposition he made thereof, and also what money came into his hands, and from what sources, during the preceding fiscal year. [Code 1931, ch 51, Art.8, s.7.]

Sec. 5259 [8] Law librarian at Charles Town. The county court of Jefferson county shall appoint some competent person librarian of the state law library at Charles Town in the county of Jefferson. The person so appointed shall continue in office for and during the term of six years from the date of such appointment, unless sooner removed by said county court for good cause, and shall perform such duties, and make and enforce such rules and regulations respecting the use of such library as may be prescribed by said county court, and such person shall be in attendance at the library on such days and during such hours as said county court may direct. [Code 1931, ch.51, Art.8, s 8.]

Sec. 5260. [9] Same; bond and salary. Such person shall give a bond in the penalty of five hundred dollars, with security to be approved by said county court, payable to the State of West Virginia, with condition for the faithful performance of his duties as such librarian. He shall receive such salary as the county court of Jefferson county may authorize, to be paid out of the funds of said county. [Code 1931, ch 51, Art.8, s.8.]

B. DEPARTMENT OF ARCHIVES AND HISTORY

(West Virginia Code 1937, p 954-955, s 2774-2777)

Sec. 2774. [1] Continuation; functions. The department of archives and history, heretofore established, shall be continued as a department of the state government. It shall occupy rooms in the state capitol or in such building as may be provided by the State. The department shall collect for permanent preservation, so far as can now be done, all valuable papers and documents relating to the settlement of the State, the period of the reorganized government of Virginia, and the erection and foundation of West Virginia out of the territory of the mother state, with biographical

matter pertaining to the men who were prominent then, together with all missing public records, state papers, documents of the legislature, executive and judicial departments, and the reports of all state officials, boards and directors of state institutions, educational, charitable, penal and otherwise, from the twentieth of June, eighteen hundred and sixty-three, to which the annual additions shall be added as produced. The department shall devise and adopt a systematic plan for the preservation and classification of all the state archives of the past, present, and future. It shall carefully keep and preserve the battle flags and regimental flags borne by West Virginia organizations in war, together with all other property of whatsoever character which has been purchased by the State's money and held in trust for the state by the West Virginia historical and antiquarian society, and all property loaned to the State by individuals for exhibition purposes. The department shall also collect books, pamphlets, papers, and other works of history, biography, and kindred subjects as are usually found in such collections, together with the works of West Virginia authors and such others as will properly illustrate the bibliography of the State. In connection with the collections in said department, there may be a museum illustrative of history, science, the social conditions and life of the people of our country, past and present [Code 1931, ch 29, s 1]

Sec 2775 [2] State historian and archivist; duties; annual report. The department shall be in charge of a person who shall be appointed by the governor for a term of four years, and who shall be known as the state historian and archivist. He shall be the custodian of the collections of this department and it shall be his duty to carry into operation and full effect the provisions of section one (s 2774) of this article. He shall have power and authority to adopt and establish such by-laws and regulations for its government as may seem necessary and proper to effect the objects of the department, subject in all matters, however, to the approval of the governor, and he shall cause to be enforced such library rules and regulations as will aid students, readers, investigators, and research workers in the use of the material of the department and in the proper protection thereof. He shall employ the necessary clerical assistants and make rules and regulations for their government. He shall arrange for the publication of such matter as the legislature may from time to time provide for printing, including the editing and publishing of a quarterly historical magazine devoted to the history, biography, bibliography and genealogy of West Virginia. He shall cause the rooms of the department to be kept open to the public daily, except Sunday, from nine o'clock in the morning until five o'clock in the afternoon, throughout the year; and upon the request of the president of the senate or the speaker of the house of delegates, from seven o'clock until nine o'clock in the evening during the sessions of the legislature. He shall make annually a report to the governor to be transmitted by him to the legislature, which report shall contain a list of all the State's

papers, public documents, books, pamphlets, and other property belonging to the department, not theretofore published, also a statement of its annual accumulations, and a statement of the receipts and expenditures, accompanied by such recommendations as he deems best for the State's interests in the said department [1937, c.95.]

· Sec. 2776 [3]. **Delivery of State historian and archivist of official books, records and documents not in current use; prima facie evidence.** Any state, county or other official may turn over to the State historian and archivist, with his consent, for permanent preservation and record in the state department of archives and history, any official books, records, documents, original papers or files, not in current use in his office, taking a receipt therefor. Provided, that such official shall first make and keep on record in his official files a certified copy of such book, record, document, original paper, or file. Such official may in like manner turn over to the state historian and archivist, with his consent, for use of the State, any printed books, records, documents or reports not in current use in his office. Nothing herein, however, shall be construed to allow the removal of any books or records affecting the title to any estate, within the jurisdiction of the official having custody of such records. The state historian and archivist shall embody in his report to the governor a general list of all such books, records, documents or papers so received, and upon the request of any person entitled thereto shall furnish a certified copy of any such record, document, paper, or extract therefrom, and such certified copy shall be entitled to the same weight as evidence as though certified by the official by whom such record, document or paper was deposited with the state historian and archivist [Code 1931, c 29, s 3]

Sec. 2777 [4] **Reports of state officers and institutions.** It shall be the duty of the secretary of state to deliver to the state historian and archivist, when printed, biennially, at least sixty copies of all the biennial reports of state officials, of all boards, and of the presidents or superintendents of state institutions, to be exchanged for similar documents of other states [Code 1931, ch 29, s 4]

C. STATE LIBRARY COMMISSION

(West Virginia Code 1937, p 262,263, s 638-641, *Ibid* 1941 Suppl p 51-52, 191, s 641[1]-641[6], 1872[1], 1872[2])

Sec 638 [12] **State library commission.** There shall be a state library commission, known as the "West Virginia Library Commission," which shall consist of five members who shall be appointed by the governor, by and with the advice and consent of the senate, each for a term of four years. At least two members of the commission shall be women. No member of the commission shall receive compensation for services rendered, nor be engaged or interested in the publishing business.

The members of the commission in office on the date this Code takes

effect shall, unless sooner removed, continue to serve until their respective terms expire and their successors have been appointed and have qualified. On or before the expiration of the terms for which said members are appointed, the governor shall appoint their successors. [Code 1931, ch.10, s.12.]

Sec. 639. [13]. **Same; officers.** The officers of the commission shall be a chairman, elected from the members thereof, for a term of one year, and a secretary, who shall be a person trained in modern library methods, not a member of the commission. The secretary shall be appointed by the commission and shall serve at the will of the commission. The commission may establish headquarters or maintain its office at such point in the state as it may determine.

Said secretary shall keep a record of the proceedings of the commission, have charge of its work in organizing new libraries, and improving those already established; supervise the work of the traveling libraries, and in general perform such duties as may from time to time be assigned to him by the commission. [Code 1931, ch.10, s.13.]

Sec. 640. [14]. **Same; powers and duties.** The commission shall give assistance, advice and counsel to all school, state-institutional, free and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

It may also receive gifts of money, books, or other property which may be used or held for the purpose or purposes given, may purchase and operate traveling libraries under such conditions and rules as the commission deems necessary to protect the interests of the state and best increase the efficiency of the service it is expected to render the public.

It may purchase suitable books for traveling libraries and distribute them as needed to those persons and places in the State without adequate public library service. It may collect books, and other suitable library matter and distribute the same among state institutions desiring the same.

The commission may issue printed material, such as lists and circulars of information and in the publication thereof may cooperate with other state library commissions and libraries, in order to secure the more economical administration of the work for which it was formed. It may conduct courses of library instruction and hold librarians' institutes in various parts of the State.

The commission shall perform such other service in behalf of public libraries as it may consider for the best interests of the State. [Code 1931, ch.10, s.14]

Sec. 641. [15] **Same; disposition of monetary gifts.** If any sums of money are received by the commission as gifts, they shall be paid into the

state treasury and used exclusively for carrying out the provisions of this act, and paying expenses of the commissioners. The commission shall expend no sums unless they are available by gift, appropriation or otherwise. [Code 1931, ch.10, s.15.]

Sec. 641 (1) [16]. Regional libraries and library areas; establishment and location. The West Virginia library commission is hereby authorized to develop a plan for the establishment and location of regional libraries, and library areas throughout the state, based on a detailed survey to be made by the commission of the needs of the various localities of the state. A region shall include two or more counties. [1939, c.79.]

Sec. 641 (2) [17]. Reference of plan to county courts; action on; alteration of plan. On completion of the survey of any proposed region, the executive secretary of the commission shall refer the proposal to the county courts of all the counties included in such proposed region. The county courts shall act upon such proposal by resolution, and the votes of a majority of each of the county courts of the counties included in the proposed region shall be necessary for the adoption of such proposal. In case of the rejection of such proposal by the county courts of any of the counties included in such proposed region, the library commission is hereby authorized to alter its plan in accordance with such action in order to provide for a region in such section of the state. The vote of a majority of each county court in the counties in such altered region shall be necessary for the adoption of such proposal [1939, c 79.]

Sec. 641 (3) [18]. Powers of West Virginia library commission over regional libraries. The West Virginia library commission shall have the following powers for the establishment and maintenance of regional areas and regional libraries:

- (a) To establish, maintain, and operate a public library for the region;
- (b) To appoint a librarian and the necessary assistance, and to fix their compensation, such appointments to be based upon merit and efficiency as determined by the commission. The librarian shall hold a certificate from an approved school of library science and shall have had not less than three years practical experience in library work. Said library commission shall also have the power to remove said librarian and other assistants;
- (c) To purchase books, periodicals, equipment and supplies.
- (d) To purchase sites and erect buildings, and/or to lease suitable quarters, and to have supervision and control of said property
- (e) To borrow books from and lend books to other libraries;
- (f) To enter into contracts to receive service from or give service to libraries within or without the region and to give service to municipalities without the region which have no libraries, or to co-operate with and aid generally without such contracts, public school, institutional and other libraries,

- (g) To make such by-laws, rules and regulations not inconsistent with this article as may be expedient for the government of such regional library areas and the regional libraries therein, and for the purpose of carrying out the provisions of this article.
- (h) To accept for the state of West Virginia any appropriations of money that may hereafter be made out of the federal treasury by an act of or acts of Congress and to disburse such funds for the purpose of carrying out the provisions of this article, in accordance with sections eleven and twelve, article ten, chapter eighteen [ss. 1872(1), 1872(2)] of the code of one thousand nine hundred thirty-one, as amended [1939 c.79.]

Sec. 641 (4) [19] Transfer of certain libraries to library commission. After the establishment of a regional library area or regional library, as provided for in this article, the county court, legislative body of any city or town, the board of education of any county, or any other governing body of any political subdivision of this state, already maintaining a public, school or county library, may notify the West Virginia library commission and such county, city or town, or other subdivision library may be transferred to, leased to, or used by said library commission for regional library purposes under such terms as may be mutually agreed upon between the said library commission and the respective county courts, legislative bodies of cities or towns, boards of education, or governing body of other political subdivisions [1939, c 79]

Sec. 641 (5) [20] Aid to libraries by library commission. The West Virginia library commission is hereby authorized and empowered to render such aid and assistance, financial, advisory and/or otherwise, to public, schools, county or regional libraries, whether established or maintained by said library commission or not, under such conditions and rules as the said commission deems necessary to further the interests of the state and best increase the efficiency of the service it is expected to render the public. [1939, c 79]

Sec 641 (6) [21] Collection and preservation of library data; surveys; use of data, etc. The West Virginia library commission is hereby authorized and empowered to collect and preserve statistics and other data, concerning libraries of any sort located within this state, to make surveys relating to the needs or conditions of such libraries or the library conditions of any city, town, county, regional library area, or other subdivision of this state; and to publish the results and findings thereof in accordance with the provisions of section fourteen (s.640) of this article. The commission may employ all necessary personnel for any of these purposes, such appointments to be based on merit and efficiency as determined by the commission. Such data, surveys and findings of the library commission shall be available to all school, public, institutional, regional, and/or other libraries within this state, whether proposed or established [1939, c.79.]

Sec. 1872 (1) [11]. **West Virginia library commission authorized to accept federal funds for library purposes; Governor may supplement state appropriation.** The West Virginia Library commission, established by section twelve, article one, chapter ten (s 638) of this code, is hereby authorized and empowered to accept for the state of West Virginia any appropriations of money for rural library service, and similar library purposes, that may hereafter be made out of the federal treasury by an act or acts of Congress.

Should the appropriation provided by the Legislature for the purpose prove insufficient in amount to meet the requirements of the federal government relative to library purposes, the governor may supplement, from his contingent fund or from any other funds available for the purpose, said legislative appropriation by an amount sufficient to meet the said requirements of the federal government [1939, ch 78]

Sec 1872 (2) [12] **Custody and disbursement of library funds.** The treasurer of this state shall be the custodian of all moneys received by the state from appropriations made by any of the original or supplemental acts of Congress mentioned or referred to in section eleven [1872 (1)] of this article, and specifically of all moneys received by the state from appropriations for such library purposes that may hereafter be made by any act or acts of Congress, and he is authorized to receive and to provide for the proper custody of the same. He shall also be the custodian of such library moneys received by the state from any other agencies, private and/or otherwise; and he is similarly authorized to receive and provide for the proper custody of these funds. The treasurer shall keep an accurate account of the moneys so received from whatever source, shall place the same to the credit of the West Virginia library commission, and unless a different method is provided by law, he shall make disbursements therefrom upon warrants of the state auditor issued on requisition of the West Virginia library commission approved by the state board of control. The said library commission shall make by-laws, rules and regulations for the allocation and administration of all library funds, and for the establishment of an adequate system of auditing and reporting such disbursements. The treasurer shall include in his biennial report to the governor a statement of his receipts and disbursements under the provisions of this section [1939, c 78]

D. DIVISION OF DOCUMENTS

(West Virginia Code 1937, p 682, s 1891 [2])

Sec. 1891 (2) [21] **Custodians of official books, original papers, etc., turn same over to division of documents.** Any state, county or other official, except the state historian and archivist, who is the lawful custodian thereof, may turn over to the division of documents, West Virginia university, with its consent, as custodian, for permanent preservation and record any official books, records, documents, original papers, or files, or any printed books,

records, documents, or reports not in current use in his office. The division of documents, West Virginia university, is authorized to act as custodian and to receive gifts of historical material from any person or institution.

The division of documents, West Virginia university, shall give a written receipt to any official from whom property is received and shall record in an annual report to the board of governors a complete list of all property received.

After request of any person entitled thereto, the division of documents shall furnish a certified copy of any record, document, or paper in its possession, upon the payment by the applicant of the cost of transcription. Such copy shall be certified by the head of the division of documents before a notary public, and when so certified shall be entitled to the same weight as evidence as though certified by the official by whom such record, document, or paper was deposited with the division of documents. [1933, 2nd Ex. Sess c.92.]

E. PUBLIC LIBRARIES

(1) GENERAL PROVISIONS

(West Virginia Code 1937, p 235, s 591 [67] [7], p 260-263, s 627-637, p 1842, s 5362 [2]; *Ibid.* 1941 Suppl p 46, s 591 [55a] [5a])

Sec. 591 (67). [7]. **Public library.** A city may provide for the establishment and maintenance of a public library by ordinance or may submit the question to the voters of the municipality in accordance with article one, chapter ten (s.627 et seq) of the official Code [1937, c.56.]

Sec. 627. [1]. **Public library defined.** The term "public library" as used in this article shall include public library and reading room [Code 1931, ch 10, s 1.]

Sec. 628. [2]. **Authority of governmental divisions to establish and maintain libraries; levy.** Any incorporated city or town and any county, school district or independent school district may establish, equip and maintain a public library, or take over and maintain and support any public library already established therein, for the use and benefit of the inhabitants of such governmental division, and for that purpose may levy an annual tax of not more than one and one-half cents on each one hundred dollars of the assessed valuation of all the taxable property therein listed for taxation. Such tax to be levied and collected in like manner as the general taxes of such governmental division, and shall be kept in a separate fund to be known as the "library fund". Provided, That when any county, school district or independent school district proposing to establish a public library includes an incorporated city or town in which there is already a public library, and such city or town does not join in the proposed library, the county, school district or independent school district, as the case may be, shall omit from the levy of the library tax all property within the limits of such municipality. Before establishing any public library, or levying any

tax therefor, the governing authority of such governmental division shall submit to the voters thereof, in the manner provided in the following section, the question of the establishment and maintenance of a public library therein. [Code 1931, ch.10, s.2.]

Sec. 629. [3]. **Referendum on question of establishment.** Whenever a petition signed by legal voters of any such governmental division, equal to twenty per cent of the votes polled therein at the last general election, if in a county, for governor, in a city or town, for mayor or council, or in a school district, for members of the board of education, as the case may be, shall be filed in the office of the clerk or other recording officer at least thirty days prior to any general or special election, the governing authority shall submit to the voters of such election the question of the establishment and maintenance of a public library. Such petition shall request the governing authority to establish and maintain a public library, if there be no such library, or to maintain an existing public library, and to levy a specified tax, annually, for the maintenance thereof, as provided in section two (s.628) of this article. The aforesaid question may also be submitted at any such election by such local authority on its own motion, its resolution or order specifying the tax to be voted on. The election when ordered shall be conducted in all respects as other elections, and the ballot shall have printed thereon under the heading "public library question" the words.

☐ For public library.

☐ Against public library

The governing authority shall give notice of the election by publishing notice thereof once each week for two successive weeks in one or more newspapers published in such governmental division; or, if none is published therein, by a like notice posted for a like period at each of the voting places therein, and at five other public places for a like period before such election, giving the date and purpose of the election. [Code 1931, ch.10, s.3.]

Sec. 630. [4]. **Establishment; alteration or repeal of tax.** When such proposition is adopted by a majority of the qualified voters voting thereon, the governing authority shall provide for the establishment and maintenance of a public library, and for the levy and collection of such tax. Any governmental division may alter or repeal this special tax in the same manner in which it created it. [Code 1931, ch 10, s.4.]

Sec. 631. [5]. **Board of library directors; qualifications; term of office; no compensation.** Whenever such public library is established under this article, the governing authority shall appoint a board of six directors, chosen from the citizens at large of such governmental division, with reference to their fitness for such office. Such directors shall hold office for three years from the first day of July following their appointment, and until their successors are appointed; but upon their first appointment they shall, at their first meeting, divide themselves into three classes, so that one-third of the number shall hold office for a period of one year, one-third for two

years, and one-third for three years. No person shall be ineligible to serve on said board by reason of sex. Vacancies in the board shall be reported to the governing authority, and filled by appointment in like manner as original appointments for the unexpired term. The governing authority may remove any director for misconduct or neglect of duty. No compensation shall be paid or allowed any director. The chief school officer of each governmental division establishing a public library shall be ex officio a member of its library board in addition to the six directors provided for herein. [Code 1931, ch.10, s 5.]

Sec 632 [6]. **Powers and duties of library directors.** The directors of each public library established under this article shall, immediately after their appointment, meet and organize by electing one of their number as president and one as secretary. A majority of all the members of any board shall constitute a quorum for the transaction of business. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library as may be expedient and not inconsistent with this article. They shall have exclusive control of the expenditure of all money collected for the library fund and for the construction of any library building or repairs thereto, and the supervision, care and custody of the grounds, rooms or building constructed, leased or set apart for the purpose. All money received for public library purposes shall be deposited in the treasury of such governmental division to the credit of the library fund, and shall be paid out by the proper officer upon proper authenticated orders drawn by the library board upon such fund. The public library board may, with the approval of the governing authority, lease and occupy or purchase or erect an appropriate building for the use of such library. It shall have power to appoint a suitable librarian and assistants, and prescribe rules for their conduct, and fix their compensation, and shall have power to remove such appointees, and, in general, to carry out the spirit and intention of this article in establishing and maintaining a free public library for such governmental division. [1915, c 64, s 4] [Code 1923, c.47, s 53] [Code 1931, ch.10, s.6]

Sec. 633 [7]. **Use of library.** Each library established under this article shall be free for the use of the inhabitants of the governmental division where located, subject to such reasonable rules and regulations as the library board may adopt and publish, in order to render the use of such library of greatest benefit to the greatest number; and the board may exclude from the use of such library any and all persons who shall wilfully violate such rules. The board may extend the privilege and use of the library to non-residents of the governmental division upon such terms and conditions as the board may prescribe. [Code 1931, ch.10, s 7]

Sec 634 [8]. **Report of directors.** Each library board shall, on or before the first day of July in each year, make a report to the authority appointing it, stating the condition of the library property, the various sums

of money received from the library fund, and all other sources, and how such money was expended; the number of books and periodicals on hand, the number added by purchase and gift, the number lost or mislaid, the number of books lent and the general character of such books, together with an itemized budget estimate of expense of the library for the ensuing year, with such other statistical information and suggestions as they may deem of general interest or that may be required by such governing authority. [Code 1931, ch 10, s 8.]

Sec. 635. [9]. **Donations for library.** All persons desiring to make donations of cash or other personal property or real estate for the benefit of such library shall have the right to vest the title thereof in the library board created by this article, to be held in trust and controlled by such board according to the terms and for the purposes set out in the deed, gift, devise or bequest [Code 1931, ch 10, s 9]

Sec 636. [10]. **Injury to library property; penalty.** Any one who shall wilfully deface or injure any building or furniture, or deface, injure or destroy any picture, plate, engraving, map, newspaper, magazine or book, or any object of art belonging to a public library, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than five nor more than fifty dollars, or imprisoned not exceeding six months. The fine in each case shall be paid to the proper officer or custodian of the library fund to be used by such library as other money paid into its treasury [Code 1923, c 47, s 57] [1915, c 64, s 8.] [Code 1931, ch 10, s 10]

Sec. 637. [11] **Liability for detaining books.** Any person who, after notice in writing from the librarian, shall wilfully detain any book, newspaper, magazine, pamphlet or manuscript belonging to such library or to any incorporated library, for thirty days after the expiration of the time such book, newspaper, magazine, pamphlet or manuscript may be kept according to the rules and regulations of such library, shall be liable for damages, to be recovered by the library board by appropriate proceeding before a justice of the peace, the recovery in each case to be paid to the proper officer or custodian of its funds: Provided, That the notice required hereby shall include a copy of this section [Code 1931, ch 10, s 11]

Sec. 5362 [2] **Public uses for which private property may be taken or damaged.** The public uses for which private property may be taken or damaged are as follows: * * *

(1) For public schools, public libraries, and public hospitals; [Code 1931, ch.54, s 2]

(1941 Cumulative Supplement to the West Virginia Code of 1937)

Section 591 (55a) [5a]. **Creation of independent municipal boards having complete and exclusive jurisdiction over municipal sewage systems and/or municipal public utilities; library board; park board.** * * * A home rule charter may also provide for the appointment and financial support of a board of directors for a municipal public library in accordance

with the provisions of article one, chapter ten (Section 627 et seq.) of the code of West Virginia, and of a board of park commissioners for municipal public parks in accordance with the provisions of chapter ninety-one, acts of the legislature, regular session, one thousand nine hundred thirty-nine [Section 591 (14m) et seq.] Such boards shall have the powers and perform the duties conferred and required by general law. * * * [1941, c.69.]

(2) MORGAN COUNTY LIBRARY

(West Virginia Acts, 1929, p.482-483, ch 163)

(3) MARTINSBURG PUBLIC LIBRARY

(West Virginia Acts, 1927, p 306-307, ch 136)

(4) OHIO COUNTY LIBRARY

(West Virginia Acts, 1937, Reg Sess , p 558, ch 157, S B 313)

(5) TYLER COUNTY

(West Virginia Acts, 1935, Reg Sess p 646-649, ch 145, H B 398)

(6) MARION COUNTY

(West Virginia Acts, 1939, p 727-729. ch 164)

(7) RANDOLPH COUNTY

(West Virginia Acts, 1939, p 741-742, ch 177)

F. INCORPORATED LIBRARIES

(West Virginia Code 1937, p 1016, s 3016 [4])

G. SCHOOL LIBRARIES

(West Virginia Code 1937, p 655,640, s 1781 [20], 1722 [1], 1724 [3])

Sec. 1781 (20). **School libraries; librarian.** The board of education of every district and independent district may provide libraries for their schools and may purchase books, bookcases and other things necessary therefor, and shall pay the costs of such libraries out of the school funds of their districts. Books so purchased, except in independent school districts and in high schools, shall be selected from an approved list to be prepared and published from time to time by the state superintendent of schools; but books not included in such list may be purchased upon the written approval of said superintendent

Boards of education of such districts shall have authority to employ, during the vacation period, a librarian for any school having fifty volumes or more and to pay such librarian out of the school funds of the district an amount not to exceed one dollar a day for each day such library is kept open by order of the board. Any librarian so appointed shall keep the library open at least one day a week, at which time the patrons and pupils of the school may draw books from the library under such rules and regulations for the

care and return thereof as the board may make. [Code 1931, ch.18, art.5, s.20.]

Sec. 1772 (1). **Definitions; school; district; teacher, etc.** (b) "District" shall mean county school district and shall include any independent school district heretofore established by special act or acts of the legislature; [1933, Ex. Sess., ch.8.]

Sec. 1724 (3). **School districts; subdistricts.** A school district shall include all the territory in one county. Existing magisterial school districts and subdistricts and independent districts are abolished. [1933, Ex. Sess., ch.8]

H. COUNTY LAW LIBRARIES

(1) HARRISON COUNTY

(W Va Acts, 1917, p 202-203, ch 64)

(2) McDOWELL COUNTY

(W.Va Acts, 1919, p 249-250, ch 61)

(3) MARION COUNTY

(W.Va Acts, 1919, p 463-464, ch 129)

(4) MARSHALL COUNTY

(W Va Acts, 1925, p.514-615, ch 146)

(5) MINERAL COUNTY

(W.Va Acts, 1923, p 482-483, ch 129)

(6) OHIO COUNTY

(W Va Acts, 1919, p 132-133, ch 7)

(7) WETZEL COUNTY

(W Va. Acts, 1929, p 480-481, ch 161)

(8) WOOD COUNTY

(W Va. Acts, 1921, p 608, ch 165)

I. TAX EXEMPTION

(West Virginia Code 1937, p 275, s 678 [9])

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A. STATE LIBRARY

(Wisconsin Stats 1939, s 20 63, 43 01-43 08, 14 76, 251 04, 327 03, as amended by Laws of 1941, ch 49, 173)

Sec 20 63 **State library.** There is appropriated from the general fund to the board of trustees of the state library

(1) Annually, beginning July 1, 1941, \$10,500 to carry into effect its functions relative to the state library Of this there is allotted:

(a) To the librarian of the state library, the assistant librarian, clerks, expert assistants, and other employes of the state library such compensation as shall be fixed by said board of trustees

(b) To the librarian of the state library his necessary traveling expenses actually incurred in attending the annual conference of the American Association of Law Libraries

(2) Annually, beginning July 1, 1941, \$6,000 for the purchase of such law books, books of reference, and works on political science and statistics, and for binding books, for the state library and the justices of the supreme court, as the said board shall think reasonably necessary or desirable Expenditures from this appropriation shall be certified to the secretary of state librarian

(4) Such sums as may be necessary under section 43.015 relating to the adjustment of differences with the publishers of the Wisconsin reports. [1939, c.142 as am by 1941, ch 49, s.80]

Sec. 4301. State library; trustees. The justices of the supreme court and the attorney-general shall be ex officio trustees of the state library, and shall have full power to make and enforce, by suitable penalties, such rules and regulations for the custody, superintendence, care and preservation of the books and other property contained in said library, and for the arrangements thereof as to said trustees shall seem necessary and proper.

Sec 43 015. Differences with publishers of Wisconsin reports. The trustees of the state library may compromise the differences between the state and the publishers of the Wisconsin reports of the decisions of the supreme court as to the rights and duties of such publishers after the limitations for publishing such reports under their contracts have expired and may acquire for the state any stereotyped plates from which such reports are printed as they may deem advisable to acquire

Sec 43 02 State law librarian, assistant and clerical force. The board of trustees shall appoint a librarian, who shall serve and under such conditions as shall be fixed by said board. He shall execute and file an official bond with good and sufficient surety in the sum of ten thousand dollars to be approved by the trustees. Said board may also engage an assistant librarian and such clerical and expert assistance as shall be requisite in the proper care and maintenance of the library. The president of the board shall certify its appointments hereunder to the secretary of state, with amount of salary and the date of the commencement of the service of each appointee, and shall also notify him of the termination of such service [1931, c 470, s 2]

Sec 43 03 Rules and regulations It shall be the duty of said trustees to provide by rules and regulations

(1) That said library shall be kept open every day during the sessions of the supreme court and of the legislature, and on such other days and during such hours as they may direct, except Sundays

(2) That books may be borrowed therefrom, under proper restrictions, by any state officer or member or officer of the legislature during the session thereof, or by any judge of the United States, upon written request, when holding court at Madison, but that no member of the legislature or officer thereof shall take more than five books at one time nor retain the same for more than five days, and that no book shall be taken out of the city of Madison.

(3) That attorneys and others shall be permitted to use, under proper restrictions, any books within said library

(4) Such fines, penalties and forfeitures for any violations of the rules and regulations established by them for the management of said library and for the care and preservation of the books therein as to them shall

seem necessary, and all such fines, penalties and forfeitures shall be sued for and collected before any court having jurisdiction of such action.

Sec. 43.04. Catalogue. The trustees may, whenever they deem it necessary, direct the catalogue of said library or any part thereof to be printed.

Sec. 43.05. Duty of librarian. It shall be the duty of the librarian:

(1) To give his personal attention at the library during the hours it shall be directed to be kept open.

(2) To keep an account of all books or pamphlets added to the library by purchase or otherwise, and of all lost, destroyed, worn out or sold during his term, specifying dates, cost and values, and other material facts

(3) To keep a full and accurate catalogue of the library, noting all changes at the time when made; and whenever directed by the trustees, to cause the same to be properly printed

(4) To keep a true account of every book or pamphlet taken from the library, charging the same to the proper officer, with proper date and name of the person to whom delivered.

(5) To report to the presiding officer of each house, five days before the adjournment of each session of the legislature, the number of books taken out of the library by the members of each house and not returned, giving titles of books, dates of taking, and names of members to whom charged. All such books shall be immediately returned.

(6) To sue for every fine, penalty or forfeiture incurred by violation of the rules and regulations prescribed by the trustees.

(7) To forward to the library of congress one copy of the supreme court reports and two copies of the legislative journals, laws and public documents published by authority of the state, and one copy of each of such publications and of the blue book to the several states and territories which practice like comity with this state, as soon as the same are received from the superintendent of public property. He may also effect exchanges of the statutes, laws and documents of this state with the libraries of foreign governments. His account for the expenses of transporting books sent or received by exchange or purchase, to be fixed by the secretary of state, shall be paid out of the state treasury, and charged to the proper appropriation for the law library.

(8) To perform all other duties prescribed by the trustees or by their rules and regulations or imposed by law

(9) Said librarian shall also cause to be installed and maintained in said library, in the most scientific and improved manner, a card index and catalogue of the books and material therein contained. The assistants necessary to carry out the purpose of this section shall be appointed in the manner provided in section 43.02. Said librarian may attend the annual conferences of the American Association of Law Libraries for the purpose of studying modern methods of law library administration.

(10) Subject to the approval of the trustees the librarian may sell or

exchange duplicate books and pamphlets contained in the library.

Sec. 43.06. Book to be delivered to. The acts of congress received from the general government shall be deposited in the state library and be distributed as the trustees shall direct. Every officer of the state who shall receive any volume of the laws, journals, reports or other documents of any other state or territory or of the United States, or any of the officers thereof, for the use of this state, shall immediately deliver the same to the state librarian for the state library

Sec. 43.07. Revisor of statutes. (1) Appointment; exempt from civil service. Upon the passage of this act, and thereafter on or after the third Wednesday in January of each year in which the legislature shall meet in regular session, the trustees of the state library shall appoint a revisor of the statutes, to be known as "Revisor" The revisor so appointed shall not be subject to the provisions of chapter 16

(2) Removal The revisor and his assistants shall be subject to removal at any time by the trustees, for any cause deemed sufficient by them, and upon any such removal they may appoint a successor to such revisor or assistant.

(3) Term. Such revisor shall hold office for the term of two years and until his successor shall have been appointed and qualified.

(4) Assistants. Subject to the approval of the trustees of the state library he shall appoint such assistants, clerks and stenographers as may be necessary.

(5) Offices, supplies, etc. The revisor shall be provided by the superintendent of public property with suitable room or rooms convenient to the state library, necessary office furniture, supplies, stationery, books, periodicals and postage, and in the use of the state library he shall be subject to the general control of the trustees and the librarian [1931, c.45, s.1.]

Sec. 43.08. Duties of revisor. (1) It shall be the duty of the revisor to formulate and prepare a definite plan for the order, classification, arrangement, printing and binding of the statutes and session laws, and between and during sessions of the legislature to prepare and at the beginning of each session of the legislature to present to the judiciary committee of the senate, in such bill or bills as may be thought best, such consolidation, revision and other matter relating to the statutes or any portion thereof as can be completed from time to time.

(2) The revisor of statutes is authorized to renumber any chapter or section of the statutes for the purpose of revision, and to change reference numbers to agree with any renumbered chapter or section Where the term "preceding section" or similar expressions are used in the statutes the revisor may change the same by inserting the proper section or chapter reference.

Sec. 14.76 * * * The revisor of statutes and the chief of the legislative reference library shall * * * represent * * * this state in the national con-

ference of commissioners on uniform state laws. They * * * shall examine * * * subjects on which uniformity of legislation in the different states is desirable; ascertain the best means to effect uniformity; * * * co-operate with commissioners of other states in the consideration and drafting of uniform acts for submission to the legislatures of the several states; and prepare bills adapting such uniform acts to our statutes for introduction in the legislature. [As am by 1941, ch 173.]

Sec 251.04. **Employees.**

* * * * *

(5) The compensation of such secretaries and messengers shall be paid on warrants drawn by the secretary of state. The trustees of the state library may appoint one or more janitors for service in and about the library and rooms of the justices of the supreme court. Such appointments and the compensation fixed shall be certified to the secretary of state by the chief justice and paid as aforesaid.

Sec 327.03 **Copies certified by state librarian; fees.** Matter contained in any book or pamphlet in the state library, purporting to be a copy of the opinion of any court, or of any statute, law, act or resolution of any state, territory, the United States, or any foreign country, certified by the state librarian, is prima facie evidence of the contents of such opinion, statute, law, act or resolution. The fee for such certification is the same as that provided for similar certification by the clerk of the supreme court.

B. FREE LIBRARY COMMISSION

(Wisconsin Stats 1939, s 20 14, [as amended by Laws of 1941, ch 49, s 23]
35 27, 35 29, 43 09-43 16, 14 71)

Sec 20 14 **Free library commission.** There is appropriated from the general fund to the free library commission:

(1) General appropriation. Annually, beginning July 1, 1941, \$40,500, for the execution of its functions, other than those for which special appropriations are made in subsections (2) and (3). The members of the commission shall receive no compensation, but shall be paid their actual and necessary traveling expenses incurred in the discharge of their official duties. Of this there is allotted:

(a) To the secretary an annual salary of not to exceed \$5,000 as fixed by the commission.

(2) Purchase of books. Annually, beginning July 1, 1941, \$8,000 for the purchase of books and traveling cases and for other necessary apparatus and furnishings not supplied at the expense of the bureau of purchases.

(3) Legislative reference library. On July 1, 1941, and on July 1, of each odd-numbered year thereafter, \$27,500, and on July 1, 1942, and on July 1, of each even-numbered year thereafter, \$40,000 for the execution of the functions of the legislative reference library. Of this there is allotted:

(a) To the chief of the legislative reference library an annual salary

of not to exceed \$5,000 as fixed by the commission. [Laws. 1941, ch.49, s.23.]

Sec 35.27. Limitation of editions of governor's messages and official reports. Within sixty days after receiving printer's copy therefor, the state printer shall print and deliver two thousand copies of every general message addressed by the governor to any general or special session of the legislature, and once a year a complete reprint of all proclamations issued during the preceding twelve months, and editions of the reports mentioned in section 35.26, and of any report now or hereafter required by law to be made to the governor or to the legislature not enumerated in this section nor otherwise limited, of such number of copies containing such number of pages each as may be ordered by the director of purchases, not exceeding, however, for any report herein mentioned the following limitations * * *

Of the free library commission, 1,000 copies * * * [1935 c 550, s.395.]

Sec 35.29 Pamphlets and magazines. The director of purchases is empowered, in his discretion, to order printed by the state printer such catalogues, book lists, courses of study, schoolhouse plans, reports, directories, circulars and folders and other pamphlets as may appear to be necessary for the proper administration of the offices of the state superintendent, the department of agriculture and markets, the conservation commission and the free library commission, also such literature in magazine form as may be suitable to promote the due observance of arbor, bird and memorial days [1935, c 550]

Sec 43.09 Free library commission.

(1) The governor shall appoint two persons for terms of five years each, who, with the president of the university, the state superintendent and the secretary of the state historical society, shall constitute a free library commission. The officers of the commission shall be a chairman to be elected from the members thereof for the term of one year, and secretary not of its own number, to be appointed by the commission, under such conditions and for such compensation as to it shall seem adequate. Said secretary shall keep a record of the proceedings of the commission, keep accurate accounts of its financial transactions, have charge of its work in organizing new libraries and improving those already established, and in general perform such duties as may from time to time be assigned him by said commission. In addition to his salary he shall be allowed his actual and necessary traveling expenses while absent from his office upon the service of the commission, such expenses, when approved by the chairman or acting chairman, to be certified under oath to the secretary of state in the same manner as other bills incurred by the commission. Said commission may also engage, from time to time, as desired, such other clerical and expert assistance as shall be requisite in the performance of the work of the commission as set forth in this section.

(2) The commission shall give advice to all free libraries and to all communities which may propose to establish them as to the best means of establishing and administering such libraries, selecting and cataloguing books, and other details of library management, and may send any of its members to aid in organizing such libraries or in the improvement of those established.

(3) It shall establish a department of traveling libraries in charge of an officer especially qualified, and shall purchase books and supplies for traveling libraries and accept gifts for them. Said department of traveling libraries shall also aid in establishing and supervising county systems of traveling libraries. The said commission may also cooperate with other state library commissions and libraries in the publication of documents in order to secure the more economical administration of the work for which it is formed. Said commission shall make a biennial report to the governor. No member of such commission shall be compensated for his services, but accounts for the traveling expenses of the members thereof in attending meetings or in visiting, or establishing libraries, and other necessary incidental expenses connected with their duties, may be audited by the secretary of state when certified by the chairman and secretary of the commission. All payments arising under this section shall be charged to the proper appropriation for the free library commission.

(4) The free library commission is hereby empowered to hold librarians' institutes in the various parts of the state in order to train librarians of public schools and traveling libraries to make wiser and more effective use of the libraries in their charge. The commission is also authorized to accept, arrange and circulate books, traveling libraries and pictures to be loaned to public libraries, traveling library associations, study clubs, farming communities, charitable and penal institutions, and individuals, under such conditions and instructions as shall make them the greatest good to the greatest number. Said commission shall bind periodicals for traveling libraries, encourage the growth of study clubs in connection with them, train librarians to be better educators, aid more efficiently in the proper organization of new libraries, and aid in building up a better system of popular education for people who have finished their education in the schools [1939 c 142.]

Sec. 43.105. Transfer of school of library science to the university.

(1) The school of library science and all of the function, powers and duties relating thereto vested in the free library commission under section 43.10 are transferred to and vested in the board of regents of the university.

(2) The revisor of statutes is directed to make the necessary changes in the language of the statutes so as to indicate the transfer provided for in this section.

(3) The transfer herein provided for shall automatically transfer the personnel, records and equipment and the personnel so transferred shall

have and retain the same rights and status after transfer as before. The emergency board shall determine and certify to the secretary of state the amount of the annual appropriation properly allocable in the free library commission for such functions, powers and duties so transferred and the amount so determined shall be deducted from the annual appropriation of the free library commission and shall be added to the appropriate annual appropriation for the board of regents of the university and shall become a part of its annual continuing appropriation. [1939 c.120]

Sec 43.11. Office, printing, etc. The commission shall also be allowed the use of suitable offices and equipment in the capitol, and the secretary of state shall audit the duly certified bills of the commission for postage, expressage and telegraphing, and the director of purchases shall audit necessary bills for freight. The state printer, upon the order of the director of purchases, shall print such circulars, labels and blanks and bind such material as may be required. [1931, c 45, s 1.]

Sec. 43 12 To make check list of public documents. The Wisconsin free library commission is hereby authorized and directed to make an explanatory check list of the several public documents of the state, including all reports, circulars and bulletins issued by the various state departments, boards and commissions, and to publish this list, and supplementary lists as they may be required, in such form and with such notes as to show the scope and purpose of such publication; to assist state officers, members of the legislature and other citizens who are studying the growth and development of the affairs and institutions of this state, also to assist the public libraries in the state, in completing files of such publications and in so arranging them as to be of use to citizens of their several localities. The said free library commission is also directed to prepare and print catalogue cards of said public documents for the card catalogues of the said public libraries, and for the executive and administrative departments of the state.

Sec 43 13 Documents to be delivered. The state printer is hereby directed promptly to deliver to the secretary of the commission, as printed, three copies of each message, report, journal, legislative bill, bulletin, circular or set of bound public documents of whatever character, printed at the expense of the state.

Sec. 43 14. Depositories of public documents. The secretary of said free library commission is hereby directed to ascertain and report to the director of purchases, what public libraries, in the state, containing more than one thousand volumes, including the libraries of normal schools, academies and colleges, can suitably care for and advantageously use, public documents printed by the state. The secretary of said commission shall designate such libraries as depositories of state documents and shall, from time to time, prepare lists of such depositories for the use of director of purchases. The director of purchases is hereby directed to furnish each library which is designated as a depository of state documents one set of

public documents, as they are published, and also copies of such other reports and documents, printed at the expense of the state, as may be of general interest and supplied to him in sufficient numbers to meet such demand.

Sec. 43.15 To maintain library in capitol. (1) The said commission is also authorized and directed to maintain in the state capitol, for the use and information of the legislature, the several state departments, and such other citizens as may desire to consult the same, a legislative reference room and a small working library, as complete as may be, of the several public documents of this and other states, and to purchase for said library standard works of use and reference. The said commission may also collect, summarize and index information of a legislative nature relating to legislation of foreign countries, of states of this country, the federal government and municipalities. The said commission may also make such investigations into statute law, legislative and governmental institutions as will aid the legislature to perform its duties in the most efficient and economical manner. The said commission is also hereby authorized and directed to cooperate, during sessions of the legislature, with the secretary and superintendent of the state historical society of Wisconsin, as trustee of the state, with a view to a joint arrangement, by which the needs of the legislature in the manner of general books of reference may be met to the fullest possible extent; and said commission shall give such space within its rooms to books brought to the capitol by said society for such purpose, as may be jointly agreed upon between them. The librarian of the state library and the officers of state departments are hereby authorized to give or loan to the free library commission for the use of the legislative reference room such books and documents as will be useful in that room. The said free library commission is also authorized to give or loan to the state historical society or to the state departments any books and documents except those in current use in the legislative reference room.

(2) The free library commission shall employ, during each legislative session and the two months next preceding each session, draughtsmen and such help as may be necessary for the draughting of bills.

Sec 43.16 Additions to library. The said free library commission is also authorized to add to its working library books of permanent value to students, and to loan such books, singly or in traveling libraries, to public libraries, schools, women's clubs, debating societies, university extension circles, or students who are interested in investigating social, political and educational problems, or studying literature, science or art, and to furnish with such traveling libraries suitable outlines for study. It is the purpose of this provision to make possible in small communities by temporary supplies of good books, such serious study of worthy subjects as is not ordinarily possible to persons who have no access to large libraries, and to

promote the organization and welfare of associations for serious study.

Sec 14.71 General department powers.

(1) **Appointment of subordinates.** Except as expressly provided by law, * * * the free library commission * * * are each authorized to appoint such deputies, assistants, experts, clerks, stenographers or other employees as shall be necessary for the execution of their functions, and to designate the titles, prescribe the duties, and fix the compensation of such subordinates, but these powers shall be exercised subject to the state civil service law, unless the position filled by any such subordinate has been expressly exempted from the operation of chapter 16 and subject, also, to the approval of such other officer or body as may be prescribed by law

(1m) **Salary increase** Salaries of employees in the classified service, as defined in section 16 08, except as otherwise herein provided, shall be increased only at the beginning of a fiscal year. Heads of departments, boards, commissions and institutions shall on or before July fifteenth in each year file with the director of the bureau of personnel and the director of the budget a list of such employees showing their then existing salaries and their proposed new salaries. Salary increases at other periods in the fiscal year may be allowed only upon approval of the emergency board. No salary increase shall take effect unless it conforms to and is within the salary range established for the position under section 16 105. Increases in salary heretofore granted for the fiscal year beginning July 1, 1939, shall continue in effect until September 1, 1939, and thereafter shall become ineffective for any purpose unless prior to that time such increases shall have been approved by the emergency board. Increases for the fiscal year beginning July 1, 1940, shall in no case become effective without approval of the emergency board.

(2) **Traveling expenses.** The chief officers enumerated in subsection (1), and their appointees and employees, shall each be reimbursed for actual and necessary traveling expenses incurred in the discharge of their duties. The officers and employees of any department, board or commission, shall, when for reasons of economy or efficiency, they are stationed at any other place than the official location of such department, board or commission, receive their actual and necessary traveling and other expenses when called to such official location for temporary service. The members of boards, departments and commissions who are entitled to expenses but not compensation, the members of boards, departments and commissions who are entitled to a per diem for time actually spent in state service, and the members of boards, departments and commissions who receive an honorarium, shall be entitled to travel and other expenses while attending meetings of such board, department or commission held at the city of Madison, provided, that no such traveling or other expenses shall be allowed to any

such member of any department, board or commission who actually resides in the city of Madison while attending any such meeting at said city.

(3) **Notary public.** Each officer, commission, board, or body is authorized to expend from his or its proper appropriation a sum sufficient to pay all fees and expenses necessarily incurred in qualifying an employee as a notary public, and securing a notarial seal; but such notary shall receive no fees for notarial services rendered to the state. [1931, c.517, s.2.]

C. PUBLIC LIBRARY CERTIFICATION BOARD

(Wisconsin Stats. 1939, s 43.165, 20 145)

Sec. 43 165. **Public library certification board.** (1) A board known as the "Public Library Certification Board" and hereafter referred to as the "board" is created consisting of five members as follows. Two members to be appointed by the governor and who shall be librarians or full time assistants in public libraries in second, third or fourth class cities of not less than four thousand population; one member who is a trustee of a public library, to be appointed by the governor, one member who is a member of the free library commission staff to be selected by the free library commission; and one member who is a member of the faculty of the University of Wisconsin, not connected with library work, to be elected by the president of the university. Of the members first appointed, one shall serve for one year, one for two years, one for three years, one for four years and one for five years, to be determined by lot, and thereafter each member appointed shall serve for a term of five years, and until his successor is appointed and qualifies. The member selected by the free library commission shall act as secretary of the board. No member shall receive compensation or expenses incurred in the performance of his duties. The board shall issue library certificates as provided in this section.

(2) After January 1, 1923, the board of directors or other governing body of any public library, except in a city of the first class, supported in whole or in part by public funds, shall not employ to fill a vacancy or in any new position created, any librarian or full time assistant who does not hold a library certificate provided for in subsection (4). But any person employed as librarian or full time assistant in a public library on January 1, 1923, may continue in such position without a library certificate.

(3) Application for library certificates under the provisions of this section shall be made in writing to the board and with each application shall be paid to the board a fee of one dollar.

(4) Certificates issued to librarians and assistants in public libraries shall be of the following grades.

(a) Grade one. Requiring three years' college work, a one-year course in an accredited library school, and two years' successful library experience

(b) Grade two. Requiring one years' college work, a one-year course

in an accredited library school, and two years' successful library experience.

(c) Grade three: Requiring high school graduation, a six weeks' course in an accredited library school, and one year's successful library experience.

(d) Grade four: Requiring high school graduation; and including such additional requirements as shall satisfy the board that the applicant is able to do successful library work in the position to which such library certificate makes such applicant eligible

(5) Whenever any applicant for a library certificate does not have the academic and library school training prescribed in subsection (4), the board may issue to said applicant a certificate of any grade if it satisfy itself by examination or otherwise that the applicant has attainments substantially the equivalent of such prescribed education and training and that all other conditions are met

(6) Any person who has served as librarian or full time assistant in any public library in Wisconsin for at least one year at any time prior to January 1, 1923, may be granted a library certificate of any grade without examination, if the board is of the opinion that such person has demonstrated his ability to do successful library work in a library position in which the desired certificate would authorize his employment, but application for such certificate shall be made prior to January 1, 1925

(7) The board may issue to any person who has the required academic and library training qualifications but lacks the required library experience, a license to engage in certain library work for not to exceed one year. If at the end of the year for which such license is issued, the board is satisfied that said person has done successful library work during said year, it may renew such license for one year in cases where two years' experience is required to qualify for the library certificate desired.

(8) After January 1, 1923, the board of directors or other governing body of any public library in a city of eight thousand population or over, except in a city of the first class, shall not employ to fill a vacancy or in a new position created as librarian in charge of such library any person who does not hold a first grade certificate; and when such public library is located in a city of not less than four thousand and not more than eight thousand population, the board of directors or other governing body shall not employ as such librarian to fill a vacancy or in a new position any person who does not hold at least a second grade certificate. When such public library is located in a city of not less than two thousand and not more than four thousand population, the board of directors or other governing body shall not employ as such librarian to fill a vacancy or in a new position any person who does not hold at least a third grade certificate

(9) If the board is of the opinion that the board of directors or other governing body of any library in a city of two thousand population or over

is unable to secure to be in charge of such library a librarian who holds the requisite certificate, the board may grant to such library board a permit to employ a person without the required certificate for a period of not to exceed six months and such permit, in case of emergency, may be once renewed for a period of six months

(10) The provisions of subsections (2) and (8) of this section do not apply to any public library maintained wholly or in part at state expense

Sec 20 145 Public library certification board. All fees received by the public library certification board under the provisions of section 43.165 shall be paid, within one month after receipt, into the general fund, and are appropriated therefrom to said board for the purpose of carrying out the provisions of said section [1931 c 67 s 24]

D. NATIONAL GUARD TRAVELING LIBRARIES

(Wisconsin Stats 1939, s 21 22)

Sec 21 22 Traveling libraries. The adjutant general, subject to the approval of the governor, may purchase a traveling library of military text books for each regiment of infantry

E. STATE CIRCULATING LIBRARY FOR THE BLIND

(Wisconsin Stats 1939, s 47 04)

Sec 47 04 Library for the blind. The books printed in embossed type and purchased pursuant to law, or otherwise acquired for the Wisconsin school for the blind constitute a state circulating library for the blind, which shall be kept at the school for the blind and be in charge of the superintendent thereof All blind citizens of the state shall have the privilege of using such books on compliance with and subject to such regulations as said superintendent may make, on their approval by the state superintendent of public instruction [1939, c 59]

F. STATE HISTORICAL SOCIETY

(Wisconsin Stats 1939, s 18 03; 20 16 [as amended by Laws 1941, ch 49, s 27,28]
20 785, 35 33, 44 01-44 09)

Sec 18.03 Transfer of records to state historical society. Any public records, in any state office, that are not required for current use may, in the discretion of the custodian thereof, be transferred into the custody of the state historical society, as provided in section 44 08 of the statutes.

Sec 20 16 Historical and cultural societies. This is appropriated from the general fund to the state historical society

- (a) Annually, beginning July 1, * * * 1941, \$50,000 to carry into effect the powers, duties and functions of said society
- (b) On July 1, 1941, \$5,500 and annually, beginning July 1, * * * 1942, \$3,000 for property repairs and maintenance

- (c) Annually, beginning July 1, * * * 1941, \$6,000 for the purchase of library books, furniture and furnishings and for other permanent property and improvements
 - (d) Annually, beginning July 1, * * * 1941, \$3,000 for the purchase of stacks and shelving for the purchase of materials for, and the cost of mending and repairing library books, and for binding books, magazines and periodicals [1941, ch 49, s 28]
- (2) On July 1, 1941, \$1,000 as a nonlapsible appropriation for printing and other necessary expenses to carry out the work of the Wisconsin academy of sciences, arts and letters, but no part of this appropriation shall be paid out of the state treasury until necessary to pay actual claims duly audited by the secretary of state [1941, ch 49, s 27]

Sec 20.785 Receipts reappropriated. All moneys paid into the state treasury by the state historical society, which are paid into the state treasury pursuant to section 20.78, are reappropriated therefrom for the use of the state historical society, so paying its receipts into the state treasury [1931, c.67, s 114, 1933 c 140, s 4, 1935 c 535]

Sec 44.01 State historical societies; powers. The state historical society of Wisconsin, organized under an act of the legislature approved on the fourth of March, one thousand eight hundred and fifty-three, shall continue to possess the powers and privileges thereby conferred, subject to the limitations of this chapter and such laws as shall hereafter be enacted, and its acceptance of the benefits herein granted and renewed shall be conclusively deemed its complete acquiescence therein. Said society shall be the trustee of the state, and as such shall faithfully expend and apply all money received from the state to the uses and purposes directed by law, and shall hold all its present and future collections and property for the state; and shall not sell, mortgage, transfer or dispose of in any manner, or remove, except for temporary purposes, from the historical library building any article therein without authority of law, provided, this shall not prevent the sale or exchange of any duplicates that the society may have or obtain. There shall continue to be an executive committee of said society, constituted with substantially the same powers as at present, of which the governor, secretary of state and state treasurer shall be ex officio members and take care that the interests of the state are protected. The society may sell for such price and upon such conditions as its finance committee may deem best for its interests, and convey real estate acquired by it by gift or bequest or through the foreclosure of any mortgage.

Sec. 44.02 Historical society; duties. It shall be the duty of said society:

- (1) To collect books, maps, charts and other papers and materials illustrative of the history of this state in particular and of the west generally.
- (2) To procure from the early pioneers narratives of their exploits, perils and adventures.

(3) To procure facts and statements relative to the history, progress and decay of our Indian tribes so as to exhibit faithfully the antiquities and the past and present resources and conditions of this state.

(4) To purchase books to supply deficiencies in the various departments of its collections, and especially reports on the legislation of other states, on railroads and geological surveys, and of educational and humane institutions, for legislative reference, and such other books, maps, charts and materials as will facilitate the investigation of historical, scientific and literary subjects.

(5) To bind the unbound books, documents, manuscripts, pamphlets, and especially newspaper files containing legal notices, in its possession

(6) To thoroughly catalogue the entire collections of said society for the more convenient reference of all persons who have occasion to consult the same.

(7) To keep its rooms open at all reasonable hours on business days for the reception of the citizens of this state who may wish to visit the same, without fee.

(8) To loan, in its discretion, for such periods and under such rules and restrictions as it may adopt, to libraries, educational institutions and other organizations or to private individuals in good standing, such books, pamphlets or other materials that if lost or destroyed could easily and without much expense be replaced, but no work on genealogy, newspaper file, or book, map, chart, document, manuscript, pamphlet or other material whatsoever of a rare nature shall be permitted to be sent out from the library under any circumstances.

Sec. 44.03. Local societies. Local societies without capital stock may be incorporated for any purposes mentioned in section 44.02, and as auxiliaries to the state historical society, to gather and preserve incidents, experiences or biographies of the soldiers, sailors or citizens of this state in any way relating to the war of the rebellion. No fees shall be charged by any register of deeds for recording nor by the secretary of state for filing the articles of organization or any amendments thereto, nor for a certificate of incorporation of any such society.

Sec. 44.04. Acceptance of provisions of law. The organizations in this state of the military order of the Loyal Legion, the Grand Army of the Republic, the Woman's Relief Corps, the Sons of Veterans, the Sons of the American Revolution, and the Daughters of the American Revolution, and any local society heretofore organized for any of the purposes mentioned in section 44.03, by a resolution passed and a verified copy thereof filed in the office of the secretary of the state historical society may accept the provisions and be entitled to all the benefits of sections 44.03 to 44.07, inclusive. Any such auxiliary society shall be a member and entitled to one vote in any general meeting of the state historical society.

Sec. 44.05. Report of state society. Any such auxiliary society may

make a report of its work annually to said state historical society, which, or portions or a synopsis thereof, may be included in the publications of said state society, and upon application of any auxiliary society the state society may become, in behalf of the state, the custodian of the records of such auxiliary society.

Sec. 44.06. Articles of organization. The state historical society, for the purpose of establishing uniformity in organization and methods of work, may prepare and furnish uniform articles of organization and by-laws to any such auxiliary society, but such auxiliary may adopt, from time to time, such additional by-laws as it may desire

Sec. 44.07. Meetings. The state historical society may provide for annual or other meetings of officers or representatives of such auxiliary societies at times and places to be fixed by its secretary, or by such officers or representatives, and the proceedings of such meetings, or such portions thereof as its secretary may select, may be included in its published reports. Each auxiliary society shall receive a copy of each of the publications of said state society

Sec. 44.08. Records of state offices to be transferred to historical society; certified copies. For the purpose of the permanent preservation and expert indexing of the state records, any state official is hereby authorized and empowered to transfer to the custody of the state historical society of Wisconsin, in its capacity as trustee for the state, any records, documents, original papers, manuscripts, newspaper files, or printed books not specifically required by law to be retained in the office of such official as a part of the public records, five years after the current use of the same, or sooner in the discretion of the head of the department. After such transference of said records or other material, copies therefrom shall on application of any citizen of Wisconsin interested therein, be made and certified by the secretary and superintendent of said state historical society, or his authorized representative in charge, which certification shall have all the force and effect as if made by the official originally in custody of them

Sec. 44.09. Accessioning state records. Said state historical society is hereby required, as soon as practicable, adequately and conveniently to classify and arrange such state records or other official material as may be transferred to its care, under the provisions of section 44.08 of the statutes, and to keep the same accessible to all persons interested, under such proper and reasonable regulations as may be found advisable

Sec. 35.33. University and normal school printing. (1) Upon receiving printer's copy, and the necessary requisitions * * * of the requisitioning officer of the state historical society, the director of purchases shall order the state printer to do all book, catalogue, bulletin and other printing, exclusive of job work, which is required for the use of * * * the state historical society. * * * [1931, c.45]

G. STATE UNIVERSITY

(Wisconsin Stats 1939, s 36 06, 36 08, 36 13)

Sec. 36.06 Duties of regents; additional powers. (1) The board of regents shall enact laws for the government of the university in all its branches; elect a president and the requisite number of professors, instructions, officers and employees, and fix the salaries and the term of office of each * * *

(3) The board may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories and all other property of the university and of its several departments, and for the care and preservation thereof, with penalties and forfeitures by way of damages for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action [1937, c 1, p 241]

Sec 36.08. Use of income; addition of other colleges. For the erection of suitable buildings and the purchase of apparatus, a library, cabinets and additions thereto, the board of regents are authorized to expend such portion of the income of the university fund as is appropriated by the legislature for such purposes * * *

Sec 36 13 University; courses; departments The object of the University of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with literary, scientific, industrial and professional pursuits, and to this end it shall consist of the following colleges or departments, to wit

* * * * *

(7) The school of library science [1939, c 142]

H. PUBLIC LIBRARIES

(1) **CITIES OF THE SECOND, THIRD, FOURTH CLASS; VILLAGES, TOWNS, COUNTIES**

(Wisconsin Stats 1939, s 43 25-43 34 as amended by 1941, ch 52, 129)

Sec 43.25 Municipal libraries. (1) Every city of the second, third or fourth class and every village, town, or county may, as hereinafter provided, establish, equip and maintain a public library or reading room, or maintain and support any public library or reading room already established therein, and may annually levy a tax or appropriate money to provide a library fund, to be used exclusively to maintain such library or reading room, and may enact and enforce police regulations to govern the use, management and preservation thereof

(2) Every such library or reading room shall be forever free for the use of the inhabitants of the municipality by which it is established, supported or maintained, subject to such reasonable regulations as the library board shall prescribe in order to render its use most beneficial to the greatest

number, and said board may exclude from the use of said library or reading room any and all persons who shall wilfully violate such regulations.

(5) The provisions of section 43 35 to 43 42 so far as they relate to museums are extended to cities of the second, third and fourth class. [1935 c.90.]

Sec 43 26 Library board, constitution. (1) Each such library shall be administered by a library board composed in each city of the second or third class of 8 appointive members, in each city of the fourth class of 6 appointive members, and in each village, town or county of 4 appointive members, who shall be citizens of the municipality, of either sex, appointed by the mayor, village president, or town or county chairman, respectively, with the approval of the municipal governing body Upon their first appointment such members shall be divided as nearly as may be, into 3 equal classes to serve for 1, 2 and 3 years, respectively, from * * * July 1 in the year of their appointment in the case of towns, cities and villages and from * * * January 1 following their appointment in the case of counties, and thereafter each regular appointment shall be for a term of 3 years The superintendent or other supervisor of schools of the municipality and, in cities under the commission form of government, one of said commissioners, shall be an additional member of said board Not more than one member of the council or county, village or town board shall at any one time be a member of the library board No compensation * * * shall be paid to the members of any municipal library board for their services as such, but they may be reimbursed for their actual and necessary expenses incurred in performing duties outside the municipality if so authorized by the board [1941, ch 52]

(2) In any city of the second or third class the common council may, by a two-thirds vote, provide for the reduction of the number of appointive members of the library board to six, and thereupon, whenever a term expires or a vacancy occurs, no appointment shall be made until the number of such members has been so reduced whereupon the remaining members shall be by lot divided by the common council into three equal classes, to serve for one, two and three years, respectively, from the date of such completed reduction, and thereafter each regular appointment shall be for a term of three years, from the succeeding first day of July

(3) A majority of the board is a quorum; but any such board may, by regulation, provide that three or more members thereof shall constitute a quorum

Sec 43.27 Library board, organization and functions; librarians and assistants. (1) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter within thirty days after the time designated in section 43 26 for the beginning of terms, the members of the library board shall organize by the elec-

tion, from among their number, of a president and such other officers as they deem necessary.

(2) The library board shall have exclusive control of the expenditure of all moneys collected, donated, or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized, and exclusive charge, control, and custody of all lands, buildings, money, or other property devised, bequeathed, given, or granted to, or otherwise acquired or leased by the municipality for library purposes. The library board shall audit and approve all vouchers for the expenditures of such library and forward such vouchers or schedules covering the same, setting forth the names of claimants, the amounts of each claim and the purpose for which expended, to the municipal clerk with a statement thereon, signed by the secretary, that the expenditure has been incurred and that the library board has audited and approved the bill. The municipal clerk shall thereupon draw his order upon the treasurer, and the same shall be paid as other municipal orders are paid in the manner provided by subsection (8) of section 66 04. [1941, ch 129, s.4.]

(3) Any person having any claim or demand against the municipality growing out of any act or omission of the library board shall file with said board a written statement thereof, and if such claim or demand or any part thereof be disallowed the claimant may bring an action against the municipality in the manner that an action may be brought after the disallowance of a claim by the common council of a city under the general charter.

(4) The board may appoint a librarian and such other assistants and employes as they deem necessary, and prescribe their duties and compensation. The librarian in charge of a library established by a county shall hold a first grade certificate as provided in section 43 165.

(4a) The library board may adopt the American library association retirement plan for library employes, and, when authorized by an ordinance adopted by the governing body of the municipality, may contribute from the library fund for the benefit or on behalf of its librarians, other assistants and employes toward a retirement annuity for such librarians, assistants and employes. In applying such benefits the library board may classify its librarians, assistants and employes on the basis of age, salary or length of service, and make contributions for such classifications as the available funds will permit.

(5) The board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects, and may co-operate with the University of Wisconsin, the state historical society, the free library commission, or boards of education to secure such lectures or by other means to foster and encourage the wider use of books and literature upon scientific, historical, economic, literary, educational and other useful subjects [1937, c 411.]

Sec. 43.28. Acquisition of library property. (1) Any such municipality may purchase or acquire a site or sites, erect a building or buildings, and equip the same, for such library or any library already established; or may adopt, take over and acquire any library already established, by consent of the authorities controlling the same.

(2) All persons desirous of making donations of money, personal property or real estate for the benefit of a public library shall have the right to vest the title thereto in the library board, to be held and controlled by such board, when accepted, according to the terms of the deed of gift, devise or bequest and as to such property the said board shall be held and considered to be special trustees.

(3) In all cases where any gift, bequest, devise or endowment shall have been or shall be made to any public library, the library board of such library may pay or transfer such gift, bequest or endowment, or the proceed thereof, to the treasurer of the county, city, village or town in which such library is situated, or may in the same manner pay or transfer such gift, bequest or endowment to any member of such board to be selected by them and thereafter to be known as financial secretary. Such financial secretary shall hold his office only during his membership of such library board, and shall be elected annually at the same time and in the same manner as the other officers of the library board. In all cases of any such treasurer or financial secretary holding any moneys or property whatever belonging to such library, such library board shall require a bond from such treasurer or financial secretary to the library board in such sum not less than double the amount of such money or property so held by him, and with such sureties, as the said library board shall require and approve. Such bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of such county, city, village, or town, with the necessary verbal changes to make the same applicable to the moneys and property so held by him. Such treasurer or financial secretary shall make an annual report to the library board showing in detail the amount, investment, income and disbursements from the trust funds in his charge. Such report shall also be appended to the annual report which said library board is required to make to the common council and to the free library commission. Such treasurer or financial secretary shall also send a copy of each annual report to the state commissioner of banking.

(4) Any county may receive by devise, bequest or gifts of lands, buildings, money, books or other property for the purpose of establishing a public library for the county and may enter into an agreement to maintain a public library in consideration thereof, and shall be bound to faithfully perform such agreement. In such case the library board have full power to properly administer the same.

(5) If a gift be offered to any county, city, village or town for a public library or a library building in consideration thereof such municipality may

obligate itself, by an ordinance adopted by a two-thirds vote, to levy and collect an annual tax for the support and maintenance of such library or building of not to exceed fifteen per cent of such gift, and if such gift be accepted such obligation shall not be repealed. Such ordinance shall be subject to the referendum provided for in section 10 43. In the case of any such gift for a library building, the library board of directors of such municipality shall have the exclusive right to select and contract for the purchase of a site therefor, at a cost of not to exceed one-third of such gift. Such board of directors shall report forthwith to such city council or county, village or town board the amount required to pay for such site, and the council or county, village or town board shall thereupon by resolution, include such sum in the next succeeding annual tax levy, or provide for an issue of bonds in the required amount.

(6) Whenever the said library board shall certify to the city council, or county, village or town board, that it is unable to acquire the site selected for a just and reasonable amount which may legally be expended therefor, said city council, or county, village or town board shall proceed to acquire such site by condemnation. Should the compensation awarded in the condemnation proceedings exceed one-third of such gift, such proceedings shall nevertheless be valid if, within sixty days after the final award, such excess be provided for by private donation or otherwise, but in case such excess be not so provided for, then said proceedings shall, upon motion, be dismissed with costs [1939, c 131.]

Sec 43 29 Cities may aid free public libraries. In lieu of supporting and maintaining such a public library and reading room, the common council of every city of the classes named, having a board of education may, when deemed best for the interests of the city, levy such tax and authorize the board of education of such city to apply and expend the same in aid of the maintenance of any secular or nonsectarian public library and reading room free to all inhabitants of such city, already established and maintained therein by any society, association or corporation, and the board of education shall in such cases deposit with the city clerk the vouchers or bills covering the expenditures of such library from such tax fund, and the clerk shall draw orders on the treasurer, who shall pay the same as other municipal orders are paid.

Sec 43 30 Library extension and interchange. (1) The library board of any municipal library may, by contract or upon such conditions and regulations as it may prescribe, extend the use of the library to nonresidents of the municipality, or exchange books either permanently or temporarily with any other library.

(2) The library board of any municipality may, by agreement with any other municipality, provide for the loaning of books from its library, singly or in traveling libraries, to the residents of such other municipality, and any such other municipality may enter into any such agreement and levy

a tax and appropriate money annually to meet its obligations thereunder.

(3) Whenever the annual sum appropriated by such other municipality pursuant to subsection (2) equals or exceeds one-sixth of the net annual income of such library during the preceding fiscal year, the mayor, village president, or town or county chairman of such other municipality, with the approval of the governing body thereof, shall appoint from among the citizens of such municipality an additional member of the library board of said library, and when such sum equals or exceeds one-third of such net annual income, two additional members, for a term of three years from the first day of July next succeeding such appointment, and thereafter for successive terms of three years each, but whenever such appropriation made is less than the one-third herein specified the office of one such additional member of the board and if less than the one-sixth the office of both shall be vacant from and after the first day of July next thereafter

NOTE—County may appropriate money to meet obligations under (2), although no tax has been levied for express purpose, provided money is available 19 Atty Gen III

Sec 43 31 Traveling libraries. The library board of any municipal library may send out traveling libraries in its own and adjoining counties, and may make suitable provisions for receiving traveling libraries from its own and adjoining counties and from the free library commission.

Sec 43 32 County traveling libraries. (1) The library board of any county traveling library already established, or any county traveling library board established for the purposes of this section, may purchase suitable books for county traveling libraries, arrange them in proper cases, and distribute such cases of books to as many districts, as equally distant from each other, as the means therefor will permit, with the object in view of finally serving libraries within easy reach of all the people of the county. Such libraries may be located at suitable places in any town, village or city within the county, and not permitted to remain in one location longer than six months, except upon application of not less than five persons holding cards in such library, when such time may be extended not to exceed thirty days. Upon such removal another library may be loaned in its place successively for similar periods.

(1a) The library board of a county traveling library located in a county containing a city of the second class, may, at the option of the county board, consist of the county superintendent of schools, ex officio, and three members of the county board appointed by the chairman on or before the first day of May in each year.

(2) For the purpose of such county traveling libraries any county may appropriate annually not to exceed one thousand dollars, for the purchase of books, for repairs, rebinding, and the cases and freight or express on same. Such money shall be retained by the treasurer of the county in a separate fund. It shall be paid out on order of the library board, signed by its president and secretary. All the books, property, moneys, donations, devises,

bequests or gifts bought or appropriated or given for the purposes of such county traveling libraries shall remain the property of the county for the uses of such libraries.

(3) The county traveling library board may appoint a resident of the county of either sex as supervising librarian for such county traveling libraries, at a salary not exceeding fifty dollars per annum and expenses not exceeding seventy-five dollars per annum. His duties shall be to arrange the books in their cases and repair them when slightly injured, keep the records, instruct the librarians of county traveling libraries in their duty, and perform such other functions as may be directed by the library board. He shall report annually, for the information of the county board: (a) The number of volumes in libraries, (b) Stations supplied during the year; (c) expenses incurred; (d) number of books bought during the year; and (e) any other information relating thereto, as may be directed by the library board or required by the county board.

(4) The county board of any county may discontinue a traveling library system established by it under the provisions of this section, and turn the property of such system over to a county library system established under the provisions of section 43.25

Sec. 43.33. County system of libraries. (1) The county board of any county having a population of one hundred and fifty thousand or more may, pursuant to the provisions of sections 43.25 to 43.28, inclusive, establish and maintain a public library system for such county, and may for such purpose adopt, take over and acquire any library or libraries already established, by consent of the authorities controlling such library or libraries, or the county board may, by contract with any municipality within such county, extend the jurisdiction of any existing library board therein and provide for the maintenance of a county system of libraries by such municipality

(2) The clerk of each such county shall submit to the county board, at each annual November meeting, a report covering the preceding fiscal year, showing in detail the amount and proportion of the money expended by the county pursuant to subsection (1) in each town, village and city. The county board shall thereupon determine the proportionate amount to be raised and paid by each such municipality to reimburse the county for the amount so advanced. Within ten days after such determination the county clerk shall charge to each such municipality and certify to the clerk thereof, the amounts so due, respectively, and each such municipality shall levy a tax sufficient to meet such charge and shall pay over to the county the amounts so certified in the manner hereinafter provided. Such tax shall be deemed a county special tax for tax settlement purposes but the town, city or village shall pay over to the county on or before the twenty-second day of March in each year in cash the percentage of such tax actually collected, which percentage shall be determined by applying the ration of

collection of the entire tax roll of such town, city or village excepting special assessments and taxes levied pursuant to section 59.96 of the statutes of the amount of such county special tax so certified and levied. If any town, city or village shall fail to raise and pay over such money to the county, in the manner above specified, the county board shall have authority to compel such payment. [1933, c 458.]

Sec. 43.34. General supervision. (1) The Wisconsin free library commission may advise any municipal library board, so far as practicable in the conduct of its work.

(2) On or before the first day of August of each year the said library board shall make an annual report for the year. Such report shall be submitted to the Wisconsin free library commission and shall state the condition of their trust, the various sums of money received from the library fund and all other sources, and how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out, and the general character of such books, with such other statistics, information and suggestions as they may deem of general interest. The said board shall also include in the said annual report the names of the directors whose terms expire at the time the report is made.

(3) Within thirty days after the conclusion of the fiscal year of the county, town, city or village in which such library is located, the library board shall make a report stating the condition of their trust, the various sums of money received for the use of such library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the library, and from other sources. They shall also set out separately the condition of the permanent trust funds in their control. The said report shall state in detail the disbursements on account of such library and shall contain an estimate of the needs of the library for the next succeeding fiscal year.

(2) CITIES OF THE FIRST CLASS

(Wisconsin Stats 1939, s 43 35-43 42, 65 08)

Sec. 43.35 Milwaukee libraries and museums. Any city of the first class however incorporated may establish and maintain, for the free use of the inhabitants thereof, a public library or a public museum for the exhibition of objects in natural history, anthropology and history, either the several or any one of these specifically or either of such institutions, and may receive, hold and manage any devise, bequest, donation or loan for the establishment, increase or maintenance thereof, under such regulations and conditions as may be prescribed pursuant to law or agreed upon by and between the donors and said city.

Sec. 43.36 Board of trustees, constitution. (1) Each such institution shall be administered by a separate board of nine trustees, consisting of the

president of the school board and the city superintendent of schools as ex officio members, and seven additional appointive members who shall be appointed by the mayor on the third Tuesday in April. Three of said appointive members shall be selected from among the aldermen holding a four-year term, and shall serve as such trustees during their aldermanic terms. The other four shall be selected from among the residents and taxpayers of the city, for original terms of one, two, three and four years, respectively, from the first day of May next after their appointment, and for successive terms of four years each.

(2) Said trustees shall take the official oath, and be subject to the restrictions, disabilities, liabilities, punishments and limitations prescribed by law as to aldermen in such city. They shall not receive any compensation for their services as such trustees, and shall not individually become or cause themselves to become interested, directly or indirectly, in any contract or job for the purchase of any matter pertaining to the institution in their charge, or of fuel, furniture, stationery or other things necessary for the increase and maintenance thereof.

Sec. 43.37 Board of trustees; organization, annual meeting and general functions. (1) The annual meeting of the board of trustees of the public library shall be held on the second Monday of May, and of the public museum on the third Tuesday of May, in each year, at which meeting a president shall be chosen annually from their number.

(2) Each board shall have general care, control and supervision of the institution in its charge, its appurtenances, fixtures and furniture, and of the disbursements of all moneys belonging to the institutional funds, respectively. The trustees of the public library shall have charge of the selection and purchase of books, pamphlets, maps, and other matters pertaining to the library, and the trustees of the public museum shall have charge of the receipt, selection, arrangement and disposition of the specimens and objects pertaining to such museum. Each said board shall prescribe regulations for the management, care, and use of the institution, and adopt such measures as shall promote the public utility thereof, and may prescribe and enforce penalties for violations of such regulations.

Sec. 43.38 Librarian, director and employees; curators. (1) At its first meeting the board of trustees shall elect by ballot a person of suitable learning, scientific attainments, ability and experience for librarian of the public library or director of the public museum respectively. Each shall be selected in accordance with and shall be subject to the usual laws, rules and regulations of the city civil service commission. Each shall receive such compensation as shall be fixed by his board of trustees and shall be ex officio secretary of his board.

(2) The board shall appoint and fix the compensation of such assistants and employees for the institution as they deem necessary and expedient.

(3) The board of the public museum may appoint an acting director

whenever, in their discretion, the service of the museum shall require it, who shall also be ex officio acting secretary of the board and whose acts as such shall receive full credit

(4) The board of the public museum may, from time to time, appoint as honorary curators persons who have manifested a special interest in the museum or some particular department thereof. Such curators shall perform such duties and have such privileges as may be prescribed in the regulations of the museum, but shall not receive any pecuniary compensation.

Sec 43 39 Mill tax; institutional funds; expenditures. (1) Annually, at the next regular meeting of the board of trustees after the confirmation of the assessment roll by the common council of such city, the board of each such institution shall determine and certify to the common council and to the city comptroller a mill tax not exceeding the rate prescribed for such institution in section 65 08, and such taxes shall be levied and collected as other city taxes are levied and collected, and the entire amount thereof paid into and held in the city treasury in separate and distinct funds designated respectively, as the "public library fund" and "public museum fund"

(2) Such funds shall not be used or appropriated, directly or indirectly, for any purpose other than the maintenance and increase, payment of the salaries of the librarian or custodian and employees, purchase of fuel, supplies, furniture and fixtures, or incidental repairs of said institutions, respectively.

(3) All moneys received or raised for the purposes of said institutions shall be paid over to the city treasurer and credited to said funds, respectively. Each board of trustees shall provide for all necessary expenditures from each said fund, respectively, and all disbursements therefrom shall be made on orders of the president and secretary of the board, countersigned by the city comptroller, but, except as expressly provided otherwise, the board shall not in any one year expend or incur any liability for any sum in excess of the amount levied for each such fund for that year pursuant to subsection (1).

NOTE Neither 65 08 (4) nor this section limits amount which city not of first class may appropriate for support of public library, 19 Atty Gen 119

Sec 43 40 Donations and miscellaneous receipts (1) All moneys, books, specimens and other property received by devise, bequest or gift for the purposes of said institutions shall, unless otherwise directed by the donor, be under the management and control of the board of trustees of each institution, respectively.

(2) All moneys derived from penalties for violations of the regulations of said institutions, or from any other source in the course of the administration thereof, including all moneys paid to the city upon any policy of insurance or other obligation or liability for or on account of loss or damage to property pertaining to the institutions, shall be credited to said institu-

tional funds, respectively, and may be expended in the manner prescribed in subsection (3) of section 43.39, in addition to the annual tax.

Sec. 43.41. Site, buildings and equipment. (1) The board of trustees of each such institution shall erect, purchase, hire or lease buildings, lots, rooms and furniture for the use and accommodation of the institution, and shall enlarge, improve and repair such buildings, rooms and furniture; but shall not erect, purchase, lease, or enlarge any building or lot without express authority of an ordinance or resolution of the common council. All deeds of conveyance and leases shall run to the city.

(2) The board of the public museum may enter into such agreements as it may deem wise with the board of the public library for the use and occupation by such public library of such portion of any building erected for the purposes of said museum, upon such terms and for such time as may be agreed upon. Such agreement shall contain a provision for reasonable compensation to be paid for such use and occupation, which shall be paid into and credited to the museum fund.

(3) Whenever any board lawfully in charge of any public library in any city of the first class shall place and maintain in any school building in such city a branch library open to such school or to the public, and there shall be in such building any room suitable for said purposes which any board lawfully in charge of such building shall assign for such purpose, then such room shall be heated, lighted and cared for without cost to said library board.

Sec. 43.42 Accountability; reports. (1) Within ten days after the appointment of a librarian or custodian or other salaried employees, the board of trustees of each such institution shall report to and file with the city comptroller a certified list of the persons so appointed, stating the salary allowed to each and the time or times fixed for the payment thereof.

(2) Immediately after any meeting of the board at which accounts and bills are allowed, the board shall furnish such comptroller with a list of all accounts and bills allowed at said meeting, stating the character of the materials or services for which the same were rendered.

(3) On or before the first day of March in each year, each such board, respectively, shall make a report to the common council, for the year ending with the thirty-first day of December next prior thereto, containing a statement of the condition of the institution, the number of books added to the library, the number of books circulated, the number of books lost or not returned, the articles added to the museum, and such other information and suggestions as they may deem important, including also an account of the moneys credited to the institutional fund, and the expenditures therefrom during the year.

Sec. 65.08 Power of council to levy taxes. The common council shall have power to levy annually in addition to the sums provided in section

65.07 a tax based on the taxable property of the city for the purposes and in the amounts following:

* * * * *

(4) A public library fund, not exceeding four-tenths of a mill

* * * * *

(17) It shall not be mandatory, however, upon the common council to levy a tax upon all the taxable property in the city in excess of the mill tax rates hereinafter provided and based upon each dollar of the assessed valuation of such property for the several departments enumerated as follows:

Library fund, two hundred and sixty-four one-thousandths of a mill.
[1937, c 19; Suppl., s 1937, c 13]

(3) GENERAL CONTRACT PROVISIONS

(Wisconsin Stats 1939, ch 210.)

Sec 66.30 **Local cooperation.** Any city, village, town, county, or school district may, by action of the governing body thereof, enter into an agreement with any other such governmental unit for the joint or co-operative exercise of any power or duty required or authorized by statute, and as part of such agreement may provide a plan for prorating any expenditures involved.

I. COUNTY LAW LIBRARY

(Wisconsin Stats 1939, s 256 40, 256 41)

Sec. 256 40 **Law library.** Any circuit judge may, whenever he shall deem it desirable, purchase or direct the clerk of the circuit court for any county in his circuit to purchase law books and subscribe for the periodical reports of any of the courts of the several states or territories or of the United States, for any county in his circuit, provided the cost of such books and reports shall not exceed two hundred dollars for any county in one year, unless the board of supervisors of such county shall authorize the expenditure of a larger sum. Whenever such purchase or subscription shall be made such clerk shall have each volume of books received stamped or branded with the name of his county and keep the same in his office for the use of the courts, judges, attorneys and officers thereof. Such clerk shall be responsible for their safe-keeping and shall, at the expiration of his term, deliver them to his successor, take a receipt therefor and file it in the office of the county clerk. The cost of such volumes shall be paid by the county treasurer upon the presentation to him of the accounts therefor, certified to by the clerk of the circuit court and the circuit judge.

Sec. 256 41. **Law library; Milwaukee county.** The county board of any county containing two hundred fifty thousand or more population may acquire by gift, purchase or otherwise, a law library and law books, and

shall house such law library and additions in the courthouse or in suitable quarters elsewhere, and shall have power to make, and enforce by suitable penalties, rules and regulations for the custody, care and preservation of the books and other property contained in said library. The county board of such county shall provide reasonable compensation for the law librarian and such assistants as shall be necessary for the proper care and maintenance of such library. Such librarian and assistants shall be appointed as the county board shall determine, pursuant and subject to sections 16.31 to 16.44. In such a county such librarian shall perform all of the duties imposed by section 256.40 upon the clerk of the circuit court and such clerk shall be free from all responsibility imposed by said section 256.40. The purchase of additional law books, legal publications, periodicals and works of reference for said library may be directed by each of the circuit judges of such county under section 256.40. The library shall be kept open every day throughout the year excepting Sundays and holidays, and for such hours as said board may direct. Attorneys and the general public shall be permitted to use the books in said library in the building housing said library under such rules and regulations as said board may adopt.

J SCHOOL LIBRARIES

(Wisconsin Stats. 1939, s 25.23, 43.17-43.24)

Sec. 25.23 Distribution of the common school fund income.

* * * * *

(4) Within ten days after receipt of the county's share of such fund each county treasurer shall set apart and withhold therefrom an amount equal to twenty cents per capita for each person of school age residing in towns, villages and cities of the fourth class in such county, to which apportionment is made, to be expended for the purchase of library books, as provided in sections 43.17 to 43.21, inclusive, and shall thereupon give notice in writing of the amount of the common school fund income so apportioned and withheld and of the balance payable to each town, village and city in his county, to the treasurer and clerk thereof respectively, and shall pay the balance forthwith to the proper school district or municipal treasurer as provided by law and shall promptly certify the amount of such payment to the clerk of the school district or municipality. * * * [1931 c 67, s 47, 1935 c 263; 1937 c 49, 1939 c 513, s 5]

Sec. 43.17. **School libraries; book list; suspension of law.** (1) The state superintendent shall aid in promoting the establishment, maintenance and control of school libraries, and prescribe regulations for their management. He shall advise in the selection of books for such libraries and, as often as he deems necessary, prepare a list of books suitable therefor, and furnish copies of said list to each school concerned, and to each county, district or city superintendent.

(2) The state superintendent may suspend the operation of the school

library law in any school district or subdistrict containing a free public library, or which is located wholly or in part in any incorporated village or city containing a free public library, whenever the board of said free public library, during the year ending June thirtieth next preceding the date of the application for suspension, has expended in the purchase of library books suitable for children in the elementary school grades a sum equal to the sum which would be released by the suspension of the school library law, as certified by the secretary of the free library commission; but the amount so expended by the said board of the free public library for any one year shall not be made the basis of such suspension for more than one year. The state superintendent shall give notice of such suspension to the clerk or secretary of the board of education of the school district affected, and to the county, district or city superintendent, county clerk and county treasurer of the county in which the district is located.

Sec 43 18 State superintendent to contract for purchase of books. (1)

The state superintendent shall secure bids and make a contract with some responsible dealer for supplying books and periodicals pursuant to the school library law

(2) Whenever the list of books provided for by subsection (1) of section 43 17 is completed, a copy thereof shall be furnished to each dealer making application therefor, together with a clear and complete statement of the conditions under which the books and periodicals are to be supplied, the date on which the bids must be filed and opened, and such other information as may be necessary

(3) Each bidder shall deposit with the state treasurer before filing his bid the sum of one thousand dollars, to be forfeited to the state in case he shall not file the bond required by subsection (4) and make a contract in accordance with his bid, if accepted, and with all the requirements of the school library law, taking a receipt therefor from said treasurer stating the aforesaid conditions of the deposit, which shall be filed with his bid, and no bid shall be considered that does not fully comply with this subsection. On the rejection of any bid for any reason the said receipt and deposit shall be returned to the bidder. On the accepted bid the said receipt and deposit shall be retained until the bidder has filed the bond required by subsection (4) and thereupon they shall be returned to him

(4) The state superintendent shall require a bond from the successful bidder in the penal sum of ten thousand dollars, with good and responsible sureties, approved by it, for the faithful and reasonable performance of the terms of the contract

(5) Immediately upon the making of the contract, the state superintendent shall give notice thereof to all officers charged with the duty of purchasing the books for school libraries, in a circular setting forth the conditions under which the books are to be furnished, the name and address of the contract dealer, and a statement to the effect that no money withheld

from the common school apportionment for the purchase of school library books shall be used in the purchase of books or periodicals from any other dealer. Any person who purchases books or periodicals in violation of this subsection shall be punished by a fine equal to the amount of money expended and costs.

Sec. 43.19. Control and allotment of school library moneys. (1) Between the first days of April and September of each year the county, district or city superintendent of schools shall, in the manner prescribed in section 43.21, provide for the expenditure of all moneys withheld by the county treasurer from the common school fund income, pursuant to subsection (4) of section 25.23 for the purchase of library books for the districts under his supervision, the schoolhouses of which are located in his county or superintendent district, in proportion to the amount of money withheld from each.

(2) Whenever a school district under the jurisdiction of a city superintendent is joint between a city and one or more towns, the city superintendent and the county superintendent having jurisdiction over the territory adjacent to the city district shall, on or before February first of each year, in a joint statement, certify to the county clerk and county treasurer the number of persons of school age in that part of the city district outside of the city limits, and the city superintendent of each city of the fourth class shall provide for the expenditure of the school library moneys on the basis of the total number of persons of school age in the district, whether resident within or without the city limits

(3) Whenever a school district is located in more than one county or superintendent district, the superintendent of the county or superintendent district in which the schoolhouse is located shall provide for the expenditure of the total sum of school library money withheld from such joint school district

(4) On or before December first of each year the superintendents of any two adjoining counties shall, jointly, prepare an itemized statement of any balance of school library moneys due from one county to the other in order that the total amount of such moneys of which each superintendent has control shall be in the treasury of his county. A copy of said statement shall be transmitted to the clerk of each such county, whereupon such balance shall be transferred accordingly, without any order of the county board.

Sec. 43.20. Accessioning sample books. Each county and district superintendent and each city superintendent of any city of the fourth class shall accession and care for as county, superintendent district, or city school district property, free sample books which are on the school library list and which are received by him after his election or appointment and during his term of office.

Sec. 43.21 Method of purchase and distribution of books. (1) Each

county or district superintendent shall keep on file in his office a list of books in the library of each school district, the schoolhouse of which is located in his superintendent district, and arrange such lists by districts and towns in numerical and alphabetical order. Guided by such lists and other information obtained regarding said libraries, each said superintendent shall select, from the school library list, and make lists of books to be purchased for each such library. He shall furnish two copies of each such list to each town and village clerk and each clerk of any city of the fourth class, respectively, affected thereby; and shall certify to the county clerk the names, numbers, contract price, and total cost of the books selected for each such town, village or city of the fourth class. Each city superintendent of any city of the fourth class shall be governed by the provisions of this subsection so far as applicable.

(2) A copy of each such list shall be furnished by the superintendent to the contract dealer, who shall deliver said books, in accordance with said lists, to the clerk of each town, village and city, respectively

(3) Within ten days after such delivery each such clerk shall compare the same with his list, and file with the county clerk one copy of said list indicating plainly which of the listed books have been received in good condition, or shall report to said county clerk by separate writing which of said books have been received in good condition, and within three days thereafter the county clerk shall cause payment to be made therefor at contract price, as certified by the superintendent

(4) If any error or irregularity shall have occurred in such delivery the town, village or city clerk, respectively, shall within ten days thereafter notify the contract dealer thereof in writing, and send a copy of said notice to the county, district or city superintendent, respectively; and the contract dealer shall forthwith take steps to rectify such error or irregularity

(5) Any town, village or city clerk who fails to comply with the provisions of subsections (3) and (4) shall be liable to a forfeiture in the sum of five dollars.

(6) The express, freight and postage charges on books purchased under the school library law shall be paid by the town, village or city receiving them

(7) Immediately upon receipt by him of any books purchased pursuant to this section, the town clerk shall distribute such books, according to his list, to the clerks of the several school districts or, if the schools are in session, to the teachers or principals in charge, who shall sign and deliver to the town clerk a receipt specifying the titles of the books and the date on which they were delivered. For this service the town clerk shall be paid from the town treasury such sum, not exceeding two dollars per day, as shall be determined by the town board. Village and city clerks, upon receiving books pursuant to this section, shall without unnecessary delay

transmit such books to the principal or superintendent of the schools of the village or city.

Sec. 43 22. Library administration; librarians; pensions. (1) While school is in session, the following persons shall be the school librarians: In one-room rural schools, the teacher, in state graded schools and in rural schools of more than one department, the principal, unless some other teacher is designated by the school board, in elementary schools supervised by a city superintendent, such teachers or other persons as are designated by the city superintendent with the approval of the school board; in elementary schools under the supervision of a principal who supervises all the schools of the district, such teachers or other persons as are designated by the principal with the approval of the school board, in high schools, a teacher or other person appointed by the school board and whose qualifications are at least equal to the minimum prescribed by the state superintendent. When school is not in session such person shall act as school librarian as is appointed by the school board, but if such appointment is not made the school clerk shall act as librarian

(1m) A librarian employed by any school board to take charge of a library in any school under its jurisdiction and whose qualifications as a librarian are at least equal to the minimum librarian qualifications prescribed by the state superintendent of public instruction and who possesses the qualifications prescribed by the state superintendent of public instruction and who possesses the qualifications required by law for employment at a teacher shall be entitled to the status, rights and privileges of teachers under chapter 42 and shall be considered and deemed a teacher as such term is defined in section 42-20 and subsection (19) of section 42 55. In cities of the first class any school librarian employed by any school board therein at the time this subsection takes effect in any such city and whose qualifications as a librarian at said time are at least equal to the minimum librarian qualifications prescribed by the state superintendent and who, prior to employment as such school librarian by said school board in any such city, shall have had not less than one year of experience in teaching in public schools, or in a responsible library position above the rank of page, shall be entitled to the status, rights and privileges of a regular teacher from and after the beginning of such employment as such school librarian

(2) Except when loaned to a public library as provided in subsection (2) of section 43 23, school library books shall be housed in the school building, but between school terms they may, if necessary for convenience in safeguarding or loaning the books, be housed in such place as the district board shall designate.

(3) School library books shall be loaned by the librarian to pupils and

teachers of the school, and to other residents of the district, under regulations prescribed by the state superintendent; but in school districts where there is access to a public library, the school board may restrict the use of school library books to school purposes.

(4) The librarian shall keep a record of the books received for the library, and shall report to the county, district or city superintendent, respectively, on blanks supplied by him, such information regarding the condition and needs of the school library as may be called for by such superintendent.

(5) All actions relating to school libraries or for the recovery of any penalties incurred in relation thereto shall be brought in the name of the proper school district [1937, ch 342]

Sec 43.23 Library exchanges. (1) School library books belonging to one school district may be loaned by the school board of the district to the school board of another school district for use in the school library of that district, in consideration of school library books similarly loaned in exchange therefor. County or district superintendents may arrange such exchanges and loans among the school districts in their jurisdiction upon mutual agreement by the school boards of the districts concerned. A school district receiving books from another district under the provisions of this section shall be responsible for all losses sustained on account of books lost or damaged beyond ordinary wear and tear, and all books loaned or exchanged shall be returned to the school library of the district from which they have been loaned not later than two weeks before the close of the annual school term of said district.

(2) The library board of any free public library and the school board or the board of education of any school district, village or city in which a free public library is provided for and maintained, may make such exchanges and loans of books as said officers shall agree upon for the purpose of increasing the efficiency of both libraries and insuring the best service to the schools and all citizens.

(3) The superintendent of agricultural institutes shall send to each town and village clerk in the state a sufficient number of bound copies of the bulletins of such institutes to enable him to supply each school district in his town with one copy of each edition thereof. The clerk shall distribute said bulletins to the school libraries in his town or village, from which they may be loaned in like manner and under the same regulations prescribed for the loaning of books therein.

Sec. 43.24. Rebinding school library books. (2) The state superintendent shall, during the month of January each year make an approved list of firms engaged in bookbinding to which school library books may be sent for rebinding under the provisions of this section, taking into consideration the convenience of location of such firms, the character of their work, their financial responsibility and any other matter or matters having

a bearing on the satisfactory rebinding of school library books, the cost of rebinding, and the facilities and cost of transportation to and from the bindery

(3) Before any bookbinding firm is placed on said approved list, an agreement shall have been entered into between such firm and the state superintendent as to prices to be charged for the rebinding of books as provided in this section, and such other matters as said committee may deem essential to carrying out the intent thereof. Each such agreement shall contain a clause authorizing said committee to drop the firm from such approved list in case the terms of the agreement are not complied with by the firm in question.

(4) During the last month of the annual school term in every school district coming under the provisions of the school library law, the teacher, principal or superintendent, as the case may be, shall set aside those books in the school library or libraries, which are in need of rebinding, and supply to the district clerk a list in duplicate of the titles of the books thus set aside, also a list of the approved bookbinding firms, together with such other readily obtainable information regarding the books set aside as may be called for by the state or county superintendent on blanks supplied for the purpose. Only those school library books shall be set aside for rebinding whose original costs, value as school library books, sanitary condition, and condition as to wear and tear and cleanliness are such as, in the judgment of the teacher, principal or superintendent, to justify rebinding

(5) It shall be unlawful for the district clerk to make out an order for the payment of the last month's salary of the teacher, principal or superintendent, as the case may be, before the books for rebinding, if there be any such books, shall have been set aside and a list thereof received by him, as provided in subsection (4) If there are no such books a written statement to that effect signed by the teacher, principal or superintendent shall be substituted for said list of books

(6) At the first regular or special meeting of the school board after the clerk has received the said list of books he shall present it to the board for its consideration and the board shall forthwith take formal action on the question of having the books rebound under the provisions of this section. The school board shall take such action not later than one month after the district clerk has received said list If necessary, a special meeting shall be called for the purpose by the district clerk

(7) Payment for the rebinding under the provisions of this section shall be made from any funds in the treasury of the school district not otherwise appropriated The first year any school district takes advantage of this section the amount expended for this purpose shall not exceed an amount equal to twenty cents for each person of school age in the district; thereafter such amount shall not exceed ten cents per annum for each person of school age in any one school district.

(8) Lists of approved bookbinding firms as provided for in this section shall be distributed to teachers, principals, and superintendents between the first day of March and the first day of May each year, in such manner as other publications are distributed from the office of the state superintendent.

K. MISCELLANEOUS PROVISIONS

(1) DISTRIBUTION OF STATE PUBLICATION

(Wisconsin Stats 1939, s.35.83-35.86)

Sec. 35.83. Definitions of "state officers" and of "public libraries." Every direction in sections 35.84 and 35.85 to distribute any public printing to state officers or to each state officer without other limitation, means those holding office at the time when the printing regularly should issue, and includes the governor, lieutenant governor, each justice and the clerk of the supreme court, the supreme court reporter, each circuit judge, the revisor, every member of the legislature, every officer required to report in writing to the governor or to the legislature; every chairman or president of a state board or commission; the secretary, assistant and chief clerk of every such state officer, board and commission; and the chief clerks and the sergeants at arms of both houses of the legislature. And every such direction to distribute to public libraries or to each public library without other limitation, means and includes the state library, the Milwaukee county law library, the university law library, the Milwaukee law library association, and the Oshkosh law library, the state historical society, the libraries of the University of Wisconsin, of the legislative reference department, of the state normal schools, of all chartered colleges and academies, having three hundred or more volumes each, and of all other public libraries within the state having one thousand or more volumes, each. [1931 c.406.]

Sec 35.84. Distribution, to whom. Immediately after the receipt of public printing by the director of purchases he shall make distribution therefrom as follows:

* * * * *

(3) Of the legislative journals in book form, one copy to each state officer and each senator and assemblyman applying therefor, and to each member, officer, journal clerk and index clerk of the next succeeding legislature applying therefor, not exceeding ten copies each to the state library, the Milwaukee county law library, the state historical society, the university library, the university law library and the library of the legislative reference department; one copy each to all other public libraries applying therefor. The copies printed on bond paper shall be delivered to the respective chief clerks. Each chief clerk shall, upon request, be supplied for use during the session, with the journals of any previous session of the legislature. * * *

(4) Of Wisconsin session laws, * * * the library of congress, the Mil-

waukee law library association and the Oshkosh law library, to the state library, the Milwaukee county law library, the library of the legislative reference department, the state historical society, the law library of Marquette University, and the university law library, ten copies each.

(5) Of reprints of session laws, the same distribution as in the case of Wisconsin Session Laws, except members of the legislature, so far as necessary to enable the distributees to make their official sets complete
* * *

(6)(a) Of Wisconsin statutes, one copy * * * the library of congress, each charitable and penal institution of the state, the Milwaukee law library association, the Oshkosh law library, and each other public library applying therefor; not exceeding ten further copies each to the state library, the Milwaukee county law library, the university law library, the law library of Marquette University, the library of the legislative reference department and the state historical society, * * *

(9) Of Wisconsin Annotations, * * * the library of congress, the Milwaukee law library association, the Oshkosh law library, and each public library applying therefor, not exceeding ten further copies each to the state library, the Milwaukee county law library, the university law library, the library of the legislative reference department, and the state historical society, * * *

(10) Of the governor's message and of all official reports, printed by authority of section 35 27 one copy of each to each state officer, each public library and to each member of the next succeeding legislature applying therefor Any state officer, board or commission may file a list of other public officers to whom he or they desire his or their official reports sent, and said director shall make distribution accordingly, one copy to each

(11) Of parts of official reports, pamphlets and magazines, and bulletins and transactions of officers and societies, printed by authority of section 35.28, 35 29 or 35 30, one copy of each to each person named in lists filed for the purpose of such distributions by the respective officers, boards, commissions and societies upon whose requisitions the same were printed, but the lists filed by the state superintendent and by the free library commission shall designate by counties the matter to be distributed to schools of all kinds and school libraries in such counties, respectively, and the matter so designated shall be shipped by freight or express to the county superintendents of schools, who shall make the ultimate distribution at the cost of the counties respectively Every such list filed by the state horticultural society, the Wisconsin agricultural experiment association the state dairy-men's association, the state conference of charities and corrections, the association of trustees and superintendents of county asylums, the Wisconsin teachers association, the Wisconsin live stock breeders association, or the Wisconsin cheesemakers association shall be accompanied with the

necessary postage for the required carriage by mail, and unless so accompanied shall not be used.

* * * * *

(13) Of the railroad maps of Wisconsin, upon application therefor, one copy to * * * each public library, school academy and college; ten further copies each to the state library, the Milwaukee county law library, the university library and the state historical society, to the railroad commission such number as it may require. All copies intended for libraries, schools, academies and colleges other than the state library, the Milwaukee county law library, the university library and the state historical society shall be shipped to the county superintendents and distributed by them as provided in subsection (11)

(14) Of the Wisconsin blue book, * * * ten copies each to the state library, Milwaukee county law library, university library, university law library, the library of the legislative reference department, and the state historical society; one copy each to each other public library, * * *

(15) Of the opinions of the attorney-general and the decisions of public service commission bound separately from their respective reports, one copy each to * * * each public library applying therefor and ten further copies to the state library, the Milwaukee county law library, the university library, the university law library and the state historical society

(16) Of the supreme court reports acquired by contract or purchase, one copy to * * * each law library mentioned in section 35.83. Fourteen further copies shall be delivered to the university law library, ten further copies to the law library of Marquette University, and such further number to the state library and to Milwaukee county law library as * * * their librarians may request for * * * the use of these libraries, not exceeding a total of ten further copies

* * * * *

(18) The free library commission shall file with the director of purchases, from time to time, lists of such state publications as it determines ought to be distributed to public libraries irrespective of requests therefor and in addition to distribution provided for by this section. Distribution shall thereupon be made accordingly * * *

(19) The chief clerks of the senate and assembly shall send to each county clerk, to the Milwaukee county law library, and to each normal school, college and public library in this state, making application therefor, as soon as printed, copies of all bills, resolutions, joint resolutions, and memorials introduced into the senate and assembly, also the senate and assembly journals, enrolled bills, indices, bulletins, and other printed matter on the order of the legislature, together with proper filing appliances. Each county clerk shall file in his office all material received hereunder and keep the same open to public inspection

(20) The director of purchases shall deliver to the state historical society three copies of each message, report, journal, legislative bill, bulletin, circu-

lar or set of bound public documents of whatever character printed at the expense of the state. [1931 c.45, s.1, 4, 11; 1931 c.91, 406; 1935 c.313; 1937 c.97; 1939, c.513, s.7.]

Sec. 35.85. Further distributions. In addition to the distributions authorized by section 35.84 the director of purchases shall, from time to time, deliver upon the request of the superintendent of the state historical society and of the librarian of the state library, such further copies of any state publication still in his possession as may be needed for the use of said society and said library, respectively; and upon the request of any state officer, such further copies of any printing of the third class, as may be necessary or convenient for the business of such officer. But no state officer shall receive more than one copy for his own use nor more than one copy for each assistant and chief clerk in his office. The director of purchases shall also deliver, at the expense of the state, to the library of congress, such public printing as shall be designated for that purpose by the written request of said superintendent of the state historical society; and he shall immediately notify said society of the receipt by him of each separate lot of public printing of the third class [1931 c 45, s 1]

Sec. 35.86. Exchanges. The superintendent of the state historical society is empowered to procure the exchange of public printing for such public documents produced in other states and countries as may be desirable to maintain or enlarge its historical, literary and statistical collection, and may make such distributions of public printing, with or without exchange, as may accord with interstate or international comity; the librarian of the state library shall procure so many of such exchanges as he is authorized by law to make, and the secretary of state, attorney-general, tax commission, public service commission, state superintendent, state board of control, state board of health, the department of agriculture and markets, commissioner of insurance, commissioner of banking, bureau of personnel, free library commission, industrial commission, conservation commission and the commissioners for the promotion of uniformity of legislation in the United States, may procure by exchange such documents from other states and countries as may be needed for use in their respective offices. Exchange or distribution lists shall be filed with the director of purchases by the respective officers, boards and commissions so authorized to procure exchanges or make distributions, and the documents specified therein shall be forwarded directly from said director's office or shipping room, carriage charges payable by the state. [1935 c 550, s.399]

(2) COMMUNICABLE DISEASES

(Wisconsin Stats 1939, s 143 12)

Sec 143.12. Communicable diseases; schools and libraries; duties of teachers, parents, officers. (1) Upon the appearance of any dangerous communicable disease, the local health officer shall give written notice to the

principal or teacher of the school, and the librarian of each library in his district, of the names of all families where disease exists. If the rules of the state board of health provide for the exclusion from school of person who lives in homes where such disease exists, the health officer shall request the principal of the school to exclude from school all such persons until a written order signed by the health officer permitting attendance is presented.

(2) When the principal or teacher of a school has been notified of the prevalence of a dangerous communicable disease in the school district, or when the principal or teacher of the school knows or suspects that a dangerous communicable disease is present in the school, he shall at once notify the local health officer who must then investigate the matter.

(3) Parents shall not permit children afflicted with a dangerous communicable disease to attend school.

(4) All schoolhouses, before the beginning of each school term, shall be thoroughly cleaned and, after the outbreak therein of any contagious disease, shall be thoroughly disinfected, as provided by the state board of health. All buildings requiring disinfection shall be disinfected by or under the direction of the local health officer, and the expenses of disinfection shall be paid by the town, village or city, upon the order of the local board of health.

(5) Neglect or refusal on the part of any principal or teacher to comply with the requirements of this section shall be sufficient cause for his dismissal

(6) All teachers shall send home pupils who are habitually dirty, noisome or lousy, and shall immediately give written notice to the school board or the superintendent of schools and to the parents of such pupils of such actions and the reasons therefor

(7) Library books shall not be taken into or returned from a home where such disease exists or has recently occurred unless thoroughly disinfected by or under the direction of the local health officer, and may be burned by such officer

(3) PROTECTION OF LIBRARY PROPERTY

(Wisconsin Stats 1939, s 180 27, 343.44, 343 46)

Sec 180 27. **Lyceum, libraries and art galleries.** Any corporation formed for the establishment and maintenance of lyceums, libraries, art galleries and the like shall have power to make by-laws for the protection of its property, and to provide fines upon its members or patrons for their infraction by way of liquidated damages; and may collect the same in a tort action.

Sec. 343.44. **Injury to fence, tree, building, etc.** Any person who shall wilfully, maliciously or wantonly * * * tear, deface, mutilate or injure any book, map, pamphlet, chart, picture or other property belonging to any

public library, or take and carry away the same with intent to convert to his own use, * * * shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding one hundred dollars.

Sec. 343.46. **Capitol park; firecrackers; hitching; walking on walks.** Any person who shall wilfully or wantonly deface, mutilate or injure * * * any book in the state library or in the library of the state historical society, or in any office in the capitol, * * * shall be punished by imprisonment in the county jail not more than ten days or by fine not exceeding twenty-five dollars.

(4) PUBLICATION OF WISCONSIN BLUE BOOK

(Wisconsin Stats 1939, s 35 24)

Section 35 24 **Blue Book.** It is the duty of the legislative reference library to compile, index, prepare and deliver to the director of purchases biennially copy for a book to be denominated "Wisconsin Blue Book," which shall contain lists of senators and assemblymen and employees of each house, and statistical and other information of the same general character as that heretofore published in the blue book of Wisconsin, but so selected and condensed as will limit the number of pages approximately to eight hundred or less. In making such selection of matter the legislative reference library is directed to consult freely with the state superintendent of the state historical society, and in so far as possible, make the blue book useful for civics classes in schools. The director of purchases shall deliver said printer's copy to the state printer not later than the * * * first day of January in each * * * even numbered year, together with a proper order for the printing of an edition thereof, to be printed and delivered not later than the fifteenth day of * * * June of the same year [1939 ch 36]

(5) LIBRARY EMPLOYEES RETIREMENT PLAN

(Wisconsin Stats 1939, s 43 27 [4a], see "H Public Libraries (1) Cities of 2nd, 3rd, 4th class")

WYOMING

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A. STATE LIBRARY

(1) GENERAL PROVISIONS

(Wyoming Rev. Stats 1931, p 1802-1804, 1635, s 109-801 to 109-812, 109-814 to 109-823, 95-102, Laws of 941, ch 41, amending s 109-807)

Sec. 109-801. State librarian; appointment. There shall be a state librarian, who shall be appointed by the governor, by and with the consent of the senate, who shall hold office for the term of two years, and until his successor is duly appointed and qualified [C S. '20, s.441.]

Sec. 109-802 To have custody of library. The librarian shall have the charge and custody of all books, maps, papers, charts, engravings, paintings and all other things properly belonging to the library, or directed to be deposited therein, and shall also keep a regular file of all newspapers published in the state which shall be donated thereto [C S. '20, s 442.]

Sec. 109-803 To receive and label books. It shall be the duty of the librarian to receive and transfer all books or documents sent by other states or territories to the state library, from the postoffice or other depot to which they may have been consigned, and to properly label and arrange them in the library. [C S '20, s.443]

Sec. 109-804. To receipt for books and keep a record thereof. The state librarian shall cause the receipt of each book, map or other document that may come into his possession, to be acknowledged, and he shall keep a record of all books and documents so received, and shall report the same as provided by law. [C.S '20, s.444.]

Sec. 109-805 Library rules; authority of librarian. The librarian shall

have full power to make any rules and regulations, proper and necessary for the preservation and increase of the library not inconsistent with law, which the librarian shall in all cases observe, and to superintend and direct all expenditures and appropriations made for the library, under the supervision and control of the judges of the supreme court [C S. '20, s.445]

Sec 109-806. **Exchange of books.** The librarian is hereby directed to exchange statutes, journals, legislative documents, and other books with other legislative bodies and libraries, as he shall deem proper [C S. '20, s.446.]

Sec 109-807 **State library; issuance and return of books.** It shall be the duty of the librarian to issue books under rules and regulations approved by the Judges of the Supreme Court, and if any damage be done said books, or they be lost, the librarian shall estimate the damage of (sic) value of said books, and, if necessary, recover the same of the party receiving them, by civil process, in the name of the State of Wyoming [L '41, c.41]

Sec 109-808. **Librarian to report to legislature.** The librarian shall, on the first day of each regular session of the legislature, make a full and complete report of all receipts and expenditures, and of the condition of the library, and all other matters in relation thereto, for the information of the legislature.

Sec 109-809 **To mail circular asking contributions of mineral specimens.** It shall be the duty of the librarian to issue a printed circular to the citizens of the state, inviting them to deposit in the state cabinet such mineral and geological specimens as any citizen may find on his premises, or in any portion of the state [C S '20, s 449]

Sec. 109-810 **Disposition of specimens.** Whenever any such specimens may be deposited in the cabinet, it shall be the duty of the librarian to correctly label and classify each specimen, and to enter in the book kept for that purpose the name of the donor, and the character and quality of each specimen donated [C S '20, s 450]

Sec 109-811 **Circular; what to contain.** The circular of the librarian shall specify the kind and quality of specimens desired, both in geology, mineralogy and fossils. [C S '20, s.451]

Sec 109-812 **Cabinet to be open for inspection** The cabinet so collected shall be open for inspection of all persons, subject to the rules and regulations of the librarian, for the proper preservation of such specimens, during the hours as provided for the library [C S '20, s 452]

Sec 109-814. **Bond of librarian.** The librarian, before he enters upon the discharge of his duties, shall give a good and sufficient bond in the penal sum of five thousand dollars, to be approved by the governor, made payable to the state of Wyoming, conditioned that he will faithfully discharge the duties of his office and deliver over to his successor in office all books and property belonging to the library, according to laws and such regulations as may be adopted by the legislature. [C.S. '20, s.454.]

Sec. 109-815. Library to be insured. It shall be the duty of the state librarian to insure in some first class insurance company and on the best terms for the state, the state law library for a sum not less than twelve thousand dollars, the policy to run to the state of Wyoming. [C.S. '20, s.455]

Sec. 109-816 Officers to deposit books in library. It shall be the duty of all officers and persons who now have or may hereafter receive, any books, maps, charts, or other documents designed for the use of the state of Wyoming, to deposit the same immediately on receipt thereof with the state librarian to be by him placed in the state library. [C S. '20, s 456]

Sec 109-817 Salary. The state librarian shall receive a salary of three thousand dollars (\$3,000.00) per annum. [L '29, c.110, s.7.]

Sec. 95-102 Public office hours and hours of service. Eight hours' actual work shall constitute a lawful day's work on all state works. The hours of service in the several state offices at the capitol and the offices of county clerk, assessor, treasurer and clerk of the district court in the several counties of the state shall be from nine a m. to five p.m , with one hour interval on each business day In cases where more than one person is engaged in service such offices shall be kept open to the public continuously between said hours, and in other cases shall be kept open from nine to twelve and from one to five each day [L. '19, c 70, s 1; C S '20, s320]

(2) STATE LAW LIBRARY

Sec. 109-818 Funds received from sale and lease of lands; how used. All lands granted, or that may hereafter be granted by the United States, or by the state of Wyoming, or by the constitution of the state, set apart for the maintenance and support of a state law library, and all proceeds from the sales thereof are hereby pledged as a perpetual fund for the use and benefit of said state law library, as herein provided All moneys that may accrue from the interest received on all moneys, derived from the sale of lands, as hereinbefore, or that may hereafter be appropriated for said state law library, including all moneys that may be received from the renting of said land, and all moneys that may be hereafter appropriated for said state law library by the state of Wyoming, including all money raised in any other manner or donated to said state law library, shall be deposited with the state treasurer, to be by him kept in a separate fund, which shall be known as the state law library land income fund, to be used exclusively for said state law library as herein provided. [C.S '20, s.459]

Sec. 109-819 Unexpended balances; how applied. The unexpended balance of such sum or sums of money as are received and appropriated by the preceding section, known as the state law library land income fund, remaining in the treasury at the close of the fiscal year, shall be continued to and is hereby annually appropriated for the same fund for the ensuing year, and made available for the maintenance and support of the state law library. [C.S. '20, s.460.]

Sec. 109-820. Support of state law library. One-half of the total fund heretofore appropriated and set apart for the maintenance and support of a miscellaneous state library, whether unsold lands, money, contracts, proceeds from sales of lands, or other property appropriated and set aside for, belonging to, or intended for the benefit of, the miscellaneous state library or the miscellaneous state library land income fund, together with the income therefrom, is hereby given, set aside and transferred to the fund for the maintenance and support of the state law library, to be used pursuant to the provisions of sections 109-818 and 109-819. [L. '23, c.15, s.1.]

Sec. 109-821 Miscellaneous books. The state librarian hereby directed to receive and keep in the state library room at the capitol all standard miscellaneous books and charts that may be purchased under the provisions of this chapter, subject to the same rules as to the use thereof as are other books in said state library, which books are to be kept together, and known as the miscellaneous state library as distinguished from the law library. [C.S. '20, s.461.]

Sec. 109-822 Disposition of funds. All lands granted, or that may hereafter be granted by the United States or by the state of Wyoming, or by the constitution of the state, set apart for the maintenance and support of a miscellaneous state library, and all the proceeds from the sales thereof are hereby pledged as a perpetual fund for the use and benefit of said miscellaneous state library as herein provided, all moneys that may arise from the interest received on all moneys derived from the sale of lands as hereinbefore, or that may hereafter be appropriated for said miscellaneous state library, including all money that may be received from the renting of said lands, and all moneys that may be hereafter appropriated for said miscellaneous state library by the state of Wyoming, including all money raised in any other manner or donated to said miscellaneous state library, shall be deposited with the state treasurer, to be by him kept in a separate fund, which shall be known as the miscellaneous state library land income fund to be used exclusively for said miscellaneous state library as herein provided [C.S. '20, s.463.]

Sec 109-823. Unexpended balance; when applied. The unexpended balance of such sum or sums of money as are received and appropriated by the preceding section, known as the miscellaneous state library land income fund, remaining in the treasury at the close of each fiscal year, shall be continued to and is hereby annually appropriated for the same fund for the ensuing year; and made available for the maintenance and support of the said miscellaneous state library [C S. '20, s 464.]

B. STATE HISTORICAL BOARD

(Wyoming Rev. Stats 1931, p.1741-1743, s.103-1003, 103-1004, 103-1006 to 103-1010; *Ibid* 1934 Suppl p 120, s 103-1002; Laws 1937, p 82, ch 62, s 1)

Sec. 103-1002. Duties of board. The state librarian shall be ex-officio

the state historian without any additional compensation. The duties of the state historian shall be as herein defined, acting under and by direction of said historical board. [Am. by L. '33, ch.42, s.1.]

Sec. 103-1003. Meetings of board officers; quorum. The board shall hold an annual meeting on the second Monday in September of each year. The governor shall be president of the board and shall have the power to call such meetings, in addition to the annual meeting, as the emergency may demand or as he shall deem necessary. Any two members of the board shall constitute a quorum for the transaction of any or all business at any regular or special meeting. [L. '21, c.96, s 3.]

Sec. 103-1004. State historian shall be secretary of board. The state historian shall be secretary of the board and shall keep a careful record of the transactions of the board [L '21, c.96, s.4.]

Sec. 103-1006. Duties of historian. It shall be the duty of the state historian:

- (a) To collect books, maps charts, documents, manuscripts, other papers and any obtainable material illustrative of the history of the state;
- (b) To procure from pioneers narratives of any exploits, perils and adventures;
- (c) To collect and compile data of the events which mark the progress of Wyoming from its earliest day to the present time, including the records of all of the Wyoming men and women who served in the World War and the history of all war activities in the state;
- (d) To procure facts and statements relative to the history, progress and decay of the Indian tribes and other early inhabitants within the state;
- (e) To collect by solicitation or purchase fossils, specimens of ores and minerals, objects of curiosity connected with the history of the state and all such books, maps, writings, charts and other material as will tend to facilitate historical, scientific and antiquarian research;
- (f) To file and carefully preserve in his office in the capitol at Cheyenne, all of the historical data collected or obtained by him, so arranged and classified as to be not only available for the purpose of compiling and publishing a history of Wyoming, but also that it may be readily accessible for the purpose of disseminating such historical or biographical information as may be reasonably requested by the public. He shall also bind, catalogue and carefully preserve all unbound books, manuscripts, pamphlets, and especially newspaper files containing legal notices which may be donated to the state historical board;
- (g) To prepare for publication a biennial report of the collections and

other matters relating to the transaction of the board as may be useful to the public,

- (h) To travel from place to place, as the requirements of the work may dictate, and to take such steps, not inconsistent with the provisions of this act, as may be required to obtain the data necessary to the carrying out of the purpose and objects herein set forth [L. '21, c 96, s.6.]

Sec. 103-1007. State historical society; dues; separate fund. The state historian shall, under the direction of the state historical board, and at such time as the said board shall deem proper, draw up and prepare a constitution for a state historical society, which constitution shall be approved by the state historical board. Said constitution shall provide for the officers, the terms and kinds of memberships, the dues and meetings of the society and for such other matters as the state historical board may deem proper.

The moneys received from membership dues in the state historical society shall be paid into the state treasury, and shall be kept apart and in a separate fund to be known as the state historical fund. Said fund shall be expended only for the purpose of furthering and carrying out the objects of this act, and shall be paid out of the state treasury only upon proper voucher approved by the state historian [L. '21, c 96, s.7] .

Sec 103-1008 Advisory board. The state historian may, by and with the approval of the state historical board, appoint an advisory board, which board shall consist of not more than one member from each of the judicial districts of the state of Wyoming. The members shall serve without salary and shall advise and aid the state historian in every manner possible in carrying out the objects of this article [L. '21, c 96, s 8]

Sec 103-1009. Custody of property; quarters. The state librarian shall provide space for the newspaper files and vault room for other historical collections belonging to the state historical board, in the basement of the state library in the capitol building, until such time as a permanent historical building is provided for same, at which time said possessions shall be turned over to the state historian [L. '21, c 96, s.9]

Sec. 103-1010 Gifts; donations. The state historian shall keep an accurate and complete record of all gifts or donations of moneys received from any source for the furtherance of the objects of this act. Said record of said donations and gifts shall be made a part of the biennial report of said state historian as now provided by law [L. '21, c 96, s 10]

(Session Laws of Wyoming, 1937, p 82, ch 62, s 1)

Section 1. The five elective state officers of the State of Wyoming shall comprise the membership of all state boards and commissions upon which two or more such officers are now serving by a provision of statutory law, provided, the terms hereof shall not apply to the Board of University Trustees.

C. DISTRIBUTION OF PUBLIC DOCUMENTS

(Wyoming Rev. Stats 1931, p.555, 1618, 1619, s 31-130, 31-131, 31-133, 93-128, 93-135; *Ibid.* 1934 Suppl. p 128, s 109-1412, Laws 1941, ch 59, s 1, ch 61, s 1-2)

31-130. **Call for bids; limit of cost; copies to be delivered.** Before making such contract, the secretary of state shall advertise for proposals in some newspaper published at the capital (sic) of the state for three consecutive weeks, by at least one insertion each week; and the contract shall be awarded to the person, persons or corporation whose proposal shall appear to be most advantageous to the people of the state, resident bidders being given the preference, and the secretary shall be authorized to reject any or all bids; provided, that the contract price to be paid by the state for each volume shall not exceed the sum of twelve hundred dollars, and the price for which the publisher will sell the [supreme court] reports to residents of the state shall not exceed the sum of four dollars and fifty cents for each volume, and provided further, that the publisher shall, from the first copies issued of each volume, furnish to the state not less than one hundred and fifty copies by delivering the same to the state librarian at the capitol building without additional expense to the state [L '21, c 58, s 2]

31-131. **Disposition of reports.** The books delivered to the librarian shall be used by him for the purpose of distribution as follows: One copy of each volume shall be delivered to each justice of the supreme court, and to each district judge there shall be delivered as many copies as he has counties in his district, and to each state officer, said books to be labeled as the property of the state, and to be retained in the offices of said officials and by them delivered to their respective successors in office, one copy shall be furnished to the library of the supreme court of the United States at Washington, one copy to the office of the attorney general of the United States, and one copy to the office of the United States district judge for the District of Wyoming. The remaining copies shall be used in exchange for the reports of other states and territories and governments as shall be determined upon by the justices of the supreme court, and a reasonable number shall be kept in the state law library [L.'25, c 32, s 1.]

31-133. **Contract for publication of Wyoming digest.** Provided, further, that the secretary of state shall deliver, free of charge, five copies of said digest to the state librarian for public use, and one copy to the librarian of the law school of the University of Wyoming [L '29, c 24, s 1]

93-128 **Disposition of session laws.** The secretary of state shall dispose of the laws passed at each session of the legislature immediately after the publication of the same, as follows:

* * * * *

3 He shall deliver to the state librarian from time to time, upon the written requisition of that officer, a sufficient number of copies for the purpose of exchange with the libraries of other states and territories as provided by law [L '90-'91, c 48, s 9]

93-135. Exchange of session laws. The state librarian shall send, or cause to be sent, to the library of each state and territory of the United States, free of expense, one copy of such session laws of this state, as are in force and effect, and which are not in the library of such state or territory, in exchange for the laws of such state or territory; and all laws received in exchange for the laws of this state or otherwise, shall be immediately deposited after the receipt of the same, by the librarian of the state, or other officer, in the library of this state, and shall become the property of this state [C.S. '20, s.89.]

109-1412. Biennial reports. Biennially, on or before the first day of November, immediately preceding the meeting of the legislature, each and every state officer (except those mentioned in Section 109-1411, Wyoming Revised Statutes, 1931), and each and every commission, commissioner or board of a state institution, shall report in writing to the governor of the state, the condition of his department, or its institution, covering the period of two years preceding and up to and including the thirtieth day September immediately preceding the filing of such report. The reports thus required to be filed, shall be in quadruplicate, one copy to be filed in the office of the governor, one copy for the use of the senate, one copy for the use of the house of representatives. Upon the filing of such biennial reports with the governor, it shall be the duty of the governor to examine the same and to compile said various reports and have not less than one hundred copies of such compiled reports printed, seventy copies of which shall be deposited in the State Library to be used for exchange purposes, such reports to be designated "The 19.....19..... Biennial Report of State Officers, Boards and Commissions of the State of Wyoming." Provided, that if in the judgment of the Governor any of said reports are such as to be deemed proper to be printed separately, the Governor shall so order the printing thereof and have not less than one hundred copies of such made available for distribution and exchange [L.'33, ch.17, s 1.]

Section 2. Copies deposited with state library. Each and every State Officer, Commission, Commissioner or board of a state institution shall deposit in the State Library, for its permanent file, four copies of every publication which they issue

Section 3. Copy deposited with university library. Each and every State Officer, Commission, Commissioner or Board of a State Institution shall deposit in the University Library at Laramie at least one copy of of every publication and report which they issue. [L.'41, c.84]

(Session Laws of Wyoming, 1941, ch 59, s 1, ch 61, s 1,2)

Chapter 59.

Section 1. The Secretary of State shall deposit with the State Librarian one hundred thirty (130) copies of the Wyoming Digest to be used by the State Librarian for exchange purposes.

NOTE This refers to the last, (1920) digest

Chapter 61.

Section 1. The Secretary of State shall deposit with the State Librarian Five Hundred (500) copies of The Report Made to the Special Committee on Organization and Revenue by Griffenhagen & Associates in 1933, Volumes 1 and 2.

Section 2. The State Librarian is authorized to distribute copies of said report upon request, and payment of shipping costs, to educational institutions, legislative bureaus and public officers, and may also use them for exchange purposes.

D COUNTY LIBRARIES

(Wyoming Rev Stats 1931, p 502-504, 1841, s 29-901 to 29-907, 115-130, Laws 1941, ch.7, s.4.)

Sec 29-901 Tax to be levied; amount. When the county commissioners of any county have received proper and sufficient guarantees, whether in the forms of conveyances, or bonds of citizens, or associations or corporations, that a suitable place will be permanently furnished for the protection and use of a public library as a condition precedent to their own action under the provisions of this article, it shall be their duty to levy annually a tax of not less than one-eighth of a mill nor more than one-half of a mill on the dollar on all taxable property in the country, for the establishment and maintenance of a public library to be located at the county seat of such county. And whenever a suitable place is furnished without rent for the use of any county library, the directors thereof shall have the power to pay such incidental expenses as may be necessary in keeping in repair and properly janitored, lighted, heated and cared for, the place so furnished, and to pay the expense thereof out of the taxes levied hereunder [C.S.'20, s 1563]

NOTE—A library organized under the provisions of this article, including the building and books, belongs to the association, and when a new county is carved out of the original county, the building and books belong to the association and are not to be considered an asset of the original county in apportioning the indebtedness between the counties [Board of Com'rs of Park County v Board of Com'rs of Big Horn County, 25 Wyo 172, 166 P. 674.]

Sec 29-902 How tax levied and collected. The tax authorized by the preceding section shall be levied and collected at the same time and in the same manner as other county taxes of such county are levied and collected, and the whole amount so collected shall be set apart and designated by the county library fund, Provided, That nothing herein contained shall be construed into authorizing any additional levy to that now authorized by law [C S.'20, s 1564]

Sec. 29-903. Board of directors; appointment. The control and use of the library fund shall be entrusted by the county commissioners of any county to three competent and responsible citizens of the county, to be appointed by said commissioners and to constitute a board of directors for this purpose As soon as appointed they shall incorporate as a body with an appropriate name And they shall serve without compensation, and

the treasurer of the board shall give bonds, to be approved by the county commissioners, for the faithful performance of his duties. It shall be their duty, upon notification from the county commissioners that a library fund is at their disposal, to expend so much of said fund as shall be found available, in the purchase of books, furniture, salaries of librarian and assistants, and incidental expenses, for the library herein provided to be established; Provided, That books so purchased shall be of a kind best suited to inform the mind and improve the character of the reader, that neither sectarian nor professional books shall be purchased out of said fund. The said directors appointed by the county commissioners shall hold office, one-third for one year, one-third for two years, and one-third for three years from the first day of July following their appointment, and at their regular meeting shall cast lots for their respective terms, and annually thereafter the county commissioners shall, before the first day of July of each year, appoint as before one director to take the place of the retiring director, who shall hold office for three years and until his successor is appointed. The county commissioners may remove any director for misconduct, or neglect of duty. [C S '20, s.1565]

Sec 29-904 Donations; location; librarian. The board of directors is authorized to receive donations of real estate, money or books, in aid of the establishment or maintenance of the library, for which said directors are hereby made responsible, and, as the trustees of the donor, shall carefully observe the conditions accompanying every such gift. When no provisions can be made for otherwise furnishing the library with necessary accommodations for its books and other publications, without expense to the library fund arising from the public tax, it shall be the duty of the board of school trustees, or directors, of the school district embracing the county seat, to provide accommodations for them in the best situated school building over which such board of school trustees or directors have control. The board of directors shall also appoint a competent person to have immediate charge of the library, with such duties and compensation for services as they shall fix and determine [C.S '20, s 1566]

Sec. 29-905 Compensation of county librarians. THAT in all Counties having an assessed valuation of thirty-five million (35,000,000.00) dollars or over, having a county library, that the county librarian shall receive an annual salary of not more than twenty-four hundred (\$2400 00) dollars payable monthly by the county in the same manner as other officers of the county are paid. [L '21, c 99, s 1]

Sec 29-906 Libraries to be free. Every library established and maintained under the provisions of this article shall be free to all residents of the county to which it belongs, on the condition that such persons comply with such rules and regulations for the safety and management of the library as the board of directors shall prescribe, which rules and regulations may be enforced by legal proceedings in any court of competent

jurisdiction; provided, that in the management of the library, the best possible provisions shall be made for the convenient use of the books thereof by the residents of such county residing out of town wherein the library situated, and for this purpose appropriations may be made by the board of directors for the establishing and maintaining of branch libraries or book distributing stations, upon a written petition signed by at least ten electors of a city, town, school district or community requesting that such branch library or distributing station be established at a place therein named and said petition shall further state that said electors will provide suitable accommodations and proper trusteeship for all property entrusted to them under the provisions of this article [L '21, c.25, s.1]

Sec 29-907 Board of directors; use of books. It shall be further the duty of the board of directors to keep a careful record of all its doings, with duplicate vouchers for all expenditures, one set of such vouchers to be kept in the office of the secretary of the board of directors, the other to be filed with the county commissioners at the ends of each calendar year. The board of directors shall also, at the end of each year, report to the county commissioners all the important transactions of the previous twelve months, specifying in each report the sum of money received from the county library fund, also the money and property received from other sources; the use and disposition made of such moneys and other property; the number of books and other publications then in the library, the number of books and other publications added by purchase and gift during the year, as well as the number of books lost and missing; the number, title and cost of books, maps and charts, purchased out of the county library funds; the number of books loaned out, with the general character of such books, the number of persons who have drawn books from the library during the year, and the number of visitors thereto, together with such other facts deemed of public interest, a copy of which report shall be furnished by the clerk of said board of county commissioners for publication in at least one paper of general circulation in the county. Only persons resident of the county shall be allowed to obtain books from the library, and in every case when books are lost or destroyed by such parties, or withheld from the library by such persons, then in that event such persons shall be responsible for the loss of such book or books, the value of said book or books may be recovered by proper actions at law in any court of competent jurisdiction in the county. [C.S '20, s 1568]

Sec 115-130 County library tax limit. The authority of the board of county commissioners of each county to levy annually a county library tax, is hereby limited so that the board shall not levy in excess of one-half of one mill on the dollar upon all taxable property in the county. [L.'15, c 24, s 1]

(Session Laws of Wyoming, 1941, ch 7)

Sec. 4. County Library; Budget. The Board of Directors of each

County Library, and the Board of Trustees of each County Hospital, shall, on or before the third Monday of December of each year, prepare and file with the Board of County Commissioners of the county in which said library or said hospital, as the case may be, is located, their budget for the ensuing year in such a manner as to show a balanced relation between their total proposed expenditures and their total anticipated income, and showing separately the amount necessary to be raised by taxes to meet said budget requirements for the ensuing year.

E. MUNICIPAL LIBRARIES

(Wyoming Rev. Stats. 1931, p.273, 295, s 22-111, 22-382)

Sec. 22-111. **Town and city libraries.** All incorporated cities or towns of the state of Wyoming having more than five thousand inhabitants which have or may hereafter receive by donation, buildings to be used as public libraries, and which buildings have been or may be maintained, cared for and kept in repair by the county in which they are situated, shall have the authority to make provision for a part of the maintenance, care or expenses of said building when the council of said city or town may deem it advisable or necessary and may make an appropriation of such amount as they may deem necessary or proper for such purpose. The expense which may be incurred in the manner provided by this section shall be paid out of the general fund of any such city or town. [C.S.'20, s 1953]

Sec 22-382 **Establish libraries.** They [cities of the first class] shall have power to establish and maintain public libraries and reading rooms; to purchase books, papers, maps and manuscripts therefor; to receive donations and bequests for the same, in trust or otherwise, and pass by-laws and regulations for the protection and government of the same [C.S.'20, s.1861.]

F. INCORPORATED LIBRARIES

(Wyoming Rev Stats 1931, p 458, s 28-801)

Sec. 28-801. **Purposes.** Any number persons, not less than three, may associate themselves together in the manner hereinafter mentioned, for any of the following purposes:

* * * * *

Fourth—To establish and maintain a library, or a cabinet or mineralogical or metallurgical specimens, or relating to any other science. [L.'29, c.37, s 1 amending C S '20, s 5396]

NOTE—The provisions of sections 28-802 to 28-816 govern the organization and operation of such corporations. They are not included in this compilation

G. COUNTY LAW LIBRARIES

(Wyoming Rev. Stats 1931, p.504, s 29-908)

Sec. 29-908. **County law library.** The board of county commissioners

shall have the power to establish and maintain in their respective counties, a county law library, for the use and benefit of the judge of the district court and other citizens of the state and shall have the power to appropriate and set aside for the maintenance and support of said library such moneys as it shall deem necessary or see fit. The district court of such county shall superintend and direct all expenditures made for said library, and shall have full power to make any rules and regulations, proper and necessary for the preservation, increase and use of the library, not inconsistent with law [L.'19, c 84, s.1-2.]

H. PROTECTION OF LIBRARY PROPERTY

(Wyoming Rev Stats 1931, p 588, s 32-368)

Sec. 32-368. **Protection of books, magazines and exhibits.** Whoever shall mark, deface, obliterate or tear with malicious intent to destroy in whole or in part, any book, magazine, newspaper or periodical, or cut or remove therefrom any article, illustration or advertisement; or who shall break any case or injure, destroy in whole or in part any exhibit, in any reading room, library or museum shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment in the county jail not more than thirty days or by both fine and imprisonment. [L '21, c 90, s 1.]

I. EXEMPTION FROM TAXATION

(Wyoming Laws 1935, p 20, ch 24, s 1)

Part III
TERRITORIES AND DEPENDENCIES

ALASKA

A. TERRITORIAL HISTORICAL LIBRARY AND MUSEUM

(Alaska Laws, 1923, p 145-149, ch.87, as am. by Laws, 1931, ch 29, s.3)

Sec. 1. **Establishment.** That there be, and hereby is, created a Territorial Historical Library and Museum Commission, which said commission shall govern and have complete charge of all of the property contained in the institution known as the District Historical Library and Museum as created by Chapter 4, Title IX of the Compiled Laws of Alaska, that said commission shall be constituted of the governor of Alaska, the secretary of the territory, the commissioner of education, the treasurer of the territory, the attorney-general and one member of the board of managers of the Alaska Historical Association, who shall be appointed for a term of three years by the above named members of the commission, and provided further that said directors shall serve without pay

Sec. 2. **Duties of commission.** It shall be the duty of said Territorial Historical Library and Museum Commission:

(a) To collect copies of all laws relating to the territory and to subscribe for all papers and periodicals published within the territory, and such other matter of historical interest as the commission may consider valuable and appropriate for such collection.

(b) To procure from pioneers, travelers, explorers, and others, narratives of their exploits, perils and adventures.

(c) To procure facts and statements relative to the history, progress and decay of the Indian tribes within the territory.

(d) To collect such fossils, specimens of ore and minerals, and curiosities connected with the history of the territory and all such books, maps, writings, charts, or other material as will tend to facilitate historical, scientific and antiquarian research.

(e) To catalogue and carefully preserve and when necessary to bind all unbound books, manuscripts and pamphlets now owned by the Territorial Historical Library, or which it may hereafter receive

(f) To catalogue, classify and carefully preserve all articles now in the custody of the Territorial Historical Library and Museum Commission, or which it may hereafter receive.

(g) To biennially prepare for publication and submit the same to the governor of Alaska for transmission by him to the legislature of the territory of Alaska, a report of its collections and such other matters relating

to the transactions of the commission as may be useful to the public.

(h) To keep the library and museum open at reasonable hours for reception of the citizens of this territory and others who may wish to visit same.

Sec. 3 That the office of Librarian and Curator of the Territory of Alaska is hereby created, said officer to be appointed by the Territorial Historical Library and Museum Commission, and the term of such office shall be for two (2) years and until his successor is appointed and qualified as provided herein, unless sooner removed in the discretion of the Territorial Historical Library and Museum Commission. The Librarian and Curator shall, before entering upon the duties of his office, file with the Auditor of the Territory his receipt for all property entrusted to him, take and subscribe his oath of office and give a good and sufficient bond, the amount and sureties to be approved by the Governor of Alaska, conditioned upon the safekeeping of such property as may be entrusted to his care, and the faithful performance of his duties as such officer, such bond to be filed in the office of the Auditor of the Territory and the same shall not be cancelled until the receipt be filed with the Treasurer of Alaska, and until payment for all deficiencies which may exist has been made. In addition to acting as Secretary of the Territorial Historical Library and Museum Commission, the Librarian and Curator shall perform such duties as may be prescribed by said Commission. For such services the Librarian and Curator shall be paid a salary of not to exceed Three Thousand Dollars (\$3,000 00) per annum payable in monthly installments. [Amends Sess. Laws 1923, ch 87 s 3]

Sec. 4. Receipts and disbursements. That no expenses shall be incurred in carrying out the provisions of this act without the consent of the said commission having first been obtained and all salaries and expenses incurred in carrying out the provisions of this act shall be paid as other salaries and expenses of the territory are paid, by warrants drawn on the general fund of the territory of Alaska on vouchers approved by the governor, and the governor shall annually account to the Territorial Historical Library and Museum Commission for all receipts and disbursements in connection with said historical library and museum.

Sec. 5 Purchase of site and building. That the commission hereby created is authorized to purchase for and in the name of the territory, subject to the approval of the attorney-general of the territory as to validity of title and form of conveyance, that certain real property situated in the city of Juneau and described as follows, to-wit Lot four (4), block eight (8), of the said city of Juneau, as shown on the official plat of said city, together with all and singular the tenements, hereditaments and appurtenances, rights and privileges thereunto belonging or in anywise appertaining, and together with one large safe now on said premises; and to pay therefor such sum as the commission shall deem proper, but not in any case to exceed fifteen thousand dollars (\$15,000 00), and the contract for the

purchase of said building shall provide that the roof of said building shall be placed in good condition, that said building shall be painted and calced, the heating plant put in good order, the basement made waterproof, and the foundation put in good order, at the expense of the seller and without cost to the territory, and the commission is authorized if it shall purchase said building for the territory, to alter said building in such manner as to make it suitable for an historical library and museum and for the housing of the property belonging to such library and museum, and to alter and equip the remainder of the building not needed for such purposes into offices for the various territorial officials stationed at Juneau, Alaska, and for whom the territory is appropriating money for office rent, and for such ends and purposes the commission may expend an additional sum of not to exceed six thousand dollars (\$6,000 00). The commission is further authorized to have and keep said building and the contents thereof insured for their true value and to pay the premiums on such insurance.

Sec 6 Sale of small building. The commission is hereby authorized and empowered to sell the small building now situated on the rear end of said lot to such person and for such price as the commission shall deem proper, and to cause said building to be removed from said premises. The sale price of said building shall be covered into the territorial treasury. Nothing herein contained shall authorize the commission to sell said building except upon the condition that it be immediately removed from said premises in order to lessen the fire risk of the large building on said premises.

Sec. 7 Appropriation. That there is hereby appropriated out of the general fund of the territory of Alaska the sum of twenty-one thousand dollars (\$21,000 00), or so much thereof as shall be necessary for the purposes set out in section 5 of this act.

(U S Code, 1941 Suppl Title 48, p 6, s 42, 43)

Sec 42 (Historical library and Museum fund) depository of government publications. All fees received by the secretary of the Territory of Alaska as such secretary, from every source whatsoever, shall be disbursed, on the order of the Governor of the Territory of Alaska, for the benefit of the Alaska Historical Library and Museum. The same shall embrace copies of all laws relating to the Territory, and all other papers and periodicals published within the Territory, and such other matter of historical interest as the governor may consider valuable and appropriate for such collection. The collection shall also embrace such curios relating to the aborigines and the settlers as may be by the governor deemed of historical importance. The collection thus made shall be described by the governor in the annual report of the governor to the Secretary of the Interior, and shall be by him kept in a secure place and turned over to his successor in office. The secretary of the Territory and the governor shall each annually account to the Secretary of the Interior for all receipts and disbursements in connection with such historical library and museum.

Sec. 43. Same; government depository. The Alaska historical library and museum shall be a designated depository of publications of the Government, and shall be supplied with one copy of each of said publications in the same manner as such publications are supplied to other depositories. [June 6, 1900, c.786, s.33, 31 Stat. 333.]

B. INCORPORATED LIBRARIES

(1) GENERAL PROVISIONS

(Compiled Laws of Alaska, 1933, p.258, ch.11, s 971 See also *Ibid* s 972-976.)

Sec. 971. Colleges, churches, libraries, social, etc., associations; articles of incorporation. Three or more adult persons, bona fide residents of the Territory, desirous of forming a corporation for a college, seminary, church, library, or any other benevolent, fraternal, social, religious, educational, charitable or scientific association, whose chief business shall be in the Territory, shall make and subscribe written articles of incorporation in triplicate and acknowledge the same before any officer authorized to take the acknowledgement of deeds, and file one of said articles in the office of the Auditor and another in the office of the Clerk of the District Court of the Judicial division in which the principal place of business of the company is intended to be located, and retain the third in the possession of the corporation, and each copy so filed shall be recorded by the officer with whom filed in a book kept by him for that purpose. (1-12-13.)

(U S Code, 1928, Title 48, p 29, s 77)

Sec. 77. Incorporation of libraries, etc. [The legislature of Alaska] may, by general act, permit persons to associate themselves together as bodies * * * colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association * * * [April 13, 1934, c.119, s.2, 48 Stat. 583.]

(2) TERRITORIAL AID

(Compiled Laws of Alaska, 1933, p 406, ch 38, s.1971-1974)

Sec. 1971 Financial aid extended; amount of. The Territory of Alaska will furnish to associations incorporated under the laws of the Territory for the purpose of maintaining public libraries, assistance to the extent of paying to such associations a sum equal to the sums which the latter shall expend in purchasing books and magazines for public libraries in the Territory, not to exceed one hundred and fifty dollars in any one year. [1-82-29.]

Sec 1972. Requirements to secure; accounts to be kept. Any such association desiring to receive the benefits of this chapter shall file a copy of its articles of incorporation and by-laws with the Governor of the Territory, and shall after each election of officers file with the Governor a statement showing who are the officers of such association. It shall keep a

detailed account of all its revenues, receipts and expenditures, and make report thereof to the Governor as often as the latter shall request it, but not less than once each calendar year. [2-82-29.]

Sec. 1973. Rules and regulations for maintenance of. The Governor shall have authority to promulgate rules and regulations to govern the maintenance of libraries by such associations as shall wish to claim the benefits of this chapter. [3-82-29.]

Sec. 1974 Funds used for purchase of books and magazines of non-sectarian nature only. Any association that during any calendar year has complied with the provisions hereof and the rules thereunder promulgated by the Governor shall be entitled to receive from the Treasurer of the Territory, upon vouchers approved by the Governor, the amount provided by section 1971, provided, however, that no payment made for purchase of any book of a religious or sectarian nature, or for any other property except books and magazines, shall be counted as part of the sums for which reimbursement may be claimed under this chapter. [4-82-29]

2. HAWAII

A. LIBRARY OF HAWAII

(Hawaii Rev. Laws, 1935, p 175, s 800-803, 811, am by Laws, 1939, p.28, ch 22, A-17, A-29)

Sec 800 Establishment; trustees. There is established a free circulating public library to be known as the Library of Hawaii, which shall be governed by a board to be known as the trustees of the Library of Hawaii, the members of which shall be residents of the territory and shall be appointed by the governor as provided in section 80 of the Organic Act. The board shall consist of three members, provided that if the Honolulu Library and Reading Rooms Association shall enter into an agreement whereby the Library of Hawaii shall obtain the use of the books, property and income of the Honolulu Library and Reading Rooms Association, said association shall have the right to nominate three additional trustees of the Library of Hawaii, who may be appointed in like manner, and provided further that if the Hawaiian Historical Society shall enter into a similar agreement, it may nominate one additional trustee who shall be appointed in like manner. The trustees shall be appointed for terms of six years, and until their successors are appointed, provided that for the first terms, as near as may be, one-third of them shall be appointed for two years, one-third for four years and the remainder for six years, and any vacancy shall be filled by appointment for the unexpired term. They shall serve without pay. A majority of the board shall constitute a quorum for the transaction of business.

Sec. 801 Trustees; duties. It shall be the duty of the board to care for, manage and control all property set apart, donated, loaned to, or in any manner acquired for the use of the library, to receive, care for, expend and account for any sum or sums of money which may be received for the purpose of erecting a building for the library or for any other purposes of the library, to collect, purchase, receive gifts of and otherwise acquire all books and other publications proper for the library, and to arrange, classify and catalogue the same; to provide for their safe keeping, to expend moneys appropriated by the legislature and otherwise acquired for the development, use, support and maintenance of the library; to provide ways and means for placing the library within reach of all residents throughout the territory and particularly of all public and private school children; to provide and maintain branch libraries, offices, or places for the distribu-

tion of books and periodicals throughout the territory; to make such contracts as may be necessary to carry into effect the general duties herein imposed; to appoint a president, secretary and treasurer from among its members, and such other officers and employees as it shall deem necessary; and to make rules and regulations for its own guidance, for the management and use of the library, and for the control of the property under its management

Sec. 802. Powers of trustees. The board shall have the power to make such arrangements or contracts as shall be approved by the governor, with any county, city, association, society, person or persons, for the purpose of benefiting the library and increasing its facilities and use, to enter into such arrangement or contract as shall be approved by the governor, with the Honolulu Library and Reading Rooms Association and the Hawaiian Historical Society, respectively, for the purpose of obtaining for the Library of Hawaii the use of the books and property and income of said association and said society, respectively, to cooperate by exchange and otherwise with libraries now existing or hereafter to be formed, to receive, use, manage, or invest moneys or other property, real, personal, or mixed which may be given, bequeathed, devised or in any manner received from sources other than the legislature or any federal appropriation for any or all purposes of the Library of Hawaii, to deposit with the treasurer of the Territory in a special fund to be known as "Special Fund Library of Hawaii," all moneys donated to the Library of Hawaii or to the trustees thereof; unless otherwise provided for by the terms and conditions of the donation, to convert, at such time or times as the trustees may at their sole discretion determine, any or all donations of property, real, personal, or mixed, into money to be deposited into said special fund, to expend the moneys in said special fund in accordance with the terms and conditions of each donation for the purposes of the Library of Hawaii. The trustees of the Library of Hawaii shall be the trustees of said special fund and all moneys therein shall be deemed to have been appropriated to the use and for the purposes of the Library of Hawaii. Nothing in this section contained shall be construed to limit the powers and duties of the board hereinbefore expressed, or to empower the board to obligate the Territory financially in any sum which shall not have been appropriated by the legislature for the use of the Library of Hawaii. [L. 1909, c.83, s 3; R L. 1935, s 802, am L 1939, c 127, s 1]

Sec. 803 Annual report to governor. Annually during the month of July but as of June 30 preceding, the board shall report to the governor the moneys received from all sources and expended for all purposes during the preceding year, and any other matters pertaining to the library which they may deem important or the governor may require. [L. 1909, c 83, s 5; R L. 1935, s.803; am. L. 1937, c.33, s.1]

Sec. 811. Assisting local libraries. The Library of Hawaii is directed and empowered to assist all county free libraries and free public libraries by the interchange and loaning of books and other reading matter, and in all other appropriate ways to the fullest extent possible.

B. COMMISSIONERS OF PUBLIC ARCHIVES

(Hawaii Rev Laws, 1935, p.79, ch 2, s 40-43.)

Sec. 40. Board of commissioners. There shall be a board of commissioners of public archives consisting of three members, one of whom shall be the secretary of the Territory ex-officio, to be appointed by the governor by and with the advice and consent of the senate. The secretary shall be chairman and executive officer of the board. [L. 1905, c.24, s.1; R.L. 1925, s.429.]

Sec. 41. Duties of board. It shall be the duty of the board to collect all public archives, to arrange, classify and inventory the same, to provide for their safe keeping; and to compile and furnish information concerning them [L. 1905, c.24, s 2; R L. 1925, s.430]

Sec. 42. Members entitled to expenses but not compensation; power to contract. The members of the board shall serve without pay, but shall be entitled to the expenses necessary or incidental to the proper performance of the duties of the board, and the board shall have power to make such contracts as are necessary to the proper performance of its duties. [L. 1905, c.24, s 3; R L 1925, s 431.]

Sec. 43 Captain Cook Memorial Fund. All moneys in the Captain Cook Memorial fund or which may be paid into the same from the proceeds of sales or which may be received by way of gift or otherwise for any of the purpose provided by this section, the acceptance of such gifts and the receipt of such funds being authorized, shall be expendable by the board from time to time for any of the purposes provided by this section, and any original historical documents or other articles, or copies, facsimiles or replicas thereof, so collected, and copies of publications made under the provisions of this section shall be deposited in the archives of Hawaii to constitute a collection to be known as the "Captain Cook Memorial Collection."

The board is authorized and empowered to purchase or otherwise acquire original books, mementos, pamphlets, documents or other articles of historical value relating to the life of Captain James Cook or connected with the history of the discovery of the Hawaiian Islands by him, or copies, facsimiles or replicas thereof or other data relating thereto, and to prepare and publish in its discretion books, documents, pamphlets or other publications relating thereto. The board may distribute free copies of such publications to libraries, museums and other places of reference open to the public in the United States or in other countries, not to exceed, however,

one-third of the number of copies of each published. The remaining copies may be sold at such reasonable prices as may be fixed by the board, the proceeds of such sales to be paid into the special fund. [L. 1931, c.259, ss.1,2.]

C. COUNTY LIBRARIES

(Hawaii Rev. Laws, 1935, p 176, ch 22, s 805-811; as am by Laws, 1937, p 33 A-30, ch 22.)

Sec. 805. Establishment and maintenance. The boards of supervisors of the several counties of the territory shall have power to establish and maintain, within their respective counties, county free libraries, in the manner and with the functions prescribed in this chapter.

Sec. 806. Managing board has supervision of; powers; reports. Following the establishment of a county free library the board of supervisors shall appoint a managing board for such library, consisting of five in number. The managing board shall be appointed for periods of two years, and shall serve without compensation. The managing board shall have general supervision and control of the county free library; may expend any money acquired by it, through appropriation or otherwise, for the development, use, support and maintenance of the library; and, subject to law, may make general rules and regulations for the government thereof. They shall appoint the county librarian as well as such others as may be employed in operating the library, and shall from time to time establish library branches and stations. The managing board shall submit to the board of supervisors and to the board of trustees of the Library of Hawaii, annual reports concerning the library and its requirements, which reports shall be incorporated in the annual report of the trustees of the Library of Hawaii and annually transmitted to the governor.

Sec. 807 Libraries; qualifications. The board of trustees of the Library of Hawaii shall pass upon the qualifications of all persons desiring to become county librarians, and issue necessary certificate of qualifications; and to this end may adopt rules and regulations not inconsistent with law for carrying out the purpose of this section. No person shall be eligible to the office of county librarian who has not received from the board of trustees of the Library of Hawaii a certificate of qualification. Such librarian need not be a resident of the county nor a citizen of the territory, at the time of appointment, and persons of either sex shall be eligible for certification for the office of county librarian

Sec. 808. Same; duties. Prior to entering upon the duties of his office, the county librarian shall file with the managing board the usual oath of office, and give a bond, with proper surety, in such sum as may be determined by the managing board, for the faithful performance of the duties of his office. Subject to such rules and regulations as may be adopted by the managing board, the county librarian shall build up, and manage,

according to accepted principles of library management, a library for the use of the people of the county; and shall recommend to the managing board what books and other library equipment should be purchased.

Sec. 809 Conventions. The board of trustees of the Library of Hawaii shall annually call a convention of county librarians, to assemble at such time and place as the trustees may determine, with a view to discussing questions pertaining to the supervision and administration of county free libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of county free libraries as shall properly be brought before the convention. It is made the duty of county librarians to attend and take part in the proceedings of the conventions

Sec. 810 Reports. The county librarian shall make annual reports to the managing board as to the condition of the county free library, giving such statistical and other information as may be called for by the board, making such reports at such times as the managing board shall direct.

Sec 811 Contracts for service. Instead of establishing a separate county free library, the board of supervisors may enter into a contract with the board of library trustees, or other authority in charge, of a free library already existing and operating within the county, and the board of library trustees, or other authority in charge of such free library, is authorized to make such contract with the board of supervisors. The contract may provide that the free public library already existing and operating within the county shall assume the functions of a county free library within the county with which the contract is made, and the board of supervisors of the county may agree to pay annually into the library fund of the library such sum as may be agreed upon. Either party to the contract may terminate the same by giving six months' notice of its intention to do so.

Sec 812 Exchange privileges. The trustees of the Library of Hawaii and the managing boards of the various county libraries are authorized to contract on behalf of their respective libraries for the exchange of librarians with librarians of any state, country or territory. Local librarians so exchanged shall be paid their regular salaries out of the funds appropriated for personal services in the library budget for the library concerned, provided, however, that the qualifications of all librarians from any such state, country or territory so exchanged shall be equal to those of the local librarians for exchange, preference shall be given to persons born in the Territory, and the requirements of citizenship shall not apply to any librarian coming to the Territory from any foreign state, country or territory under any such contract of exchange. All librarians so exchanged shall furnish their own transportation to and from the state, country or territory with which exchanged.

No compensation shall be paid by the Territory to visiting exchange librarians, provided that in any case where the local exchanged librarian

becomes incapacitated or, for any reason, leaves the exchange position permanently, the library concerned may pay the visiting exchange librarian an amount not to exceed the salary rating of the local exchanged librarian, such an arrangement to continue until the end of the period of exchange or until such time as some satisfactory adjustment has been made.

Sec 813. Leaves of absence. The public libraries of the Territory are hereby authorized to grant a years' leave of absence to any trained librarian who has served eight years in the said libraries of Hawaii, such librarian to be guaranteed a return to his or her position at the expiration of the leave. In granting such leave, librarians with the longest period of service shall be given first consideration. The resultant vacancy shall be filled by the appointment of a substitute for a period of no more than one year, such substitute to be paid the minimum salary provided for that position on the official salary schedule for such library

The said libraries shall pay to the librarian granted such leave of absence the difference between the minimum salary provided for the position vacated and the salary to which such librarian would be entitled if regularly reappointed, such payment to be made in twelve monthly installments, the last two of which shall not be made until after the librarian has returned to his or her position, provided that the librarian granted such leave shall not engage in any form of employment, and shall devote at least one third of his or her total leave either to travel or to study, or both such as would contribute to the value of such librarian to the public library system of this Territory. Such leaves shall not be extended beyond one year and may not be repeated until after a period of eight additional years of service

D. MISCELLANEOUS

(1) GENERAL PROVISIONS

(Hawaii Rev Laws, 1925, v 1, p 154, s 28, Hawaii Rev Laws, 1935, p 339, 907-908, s 1977, 6083-6085)

Sec 28 Depositories. The Commissioners of Public Archives, the University of Hawaii, the Library of Hawaii and all other public libraries in the territory are designated as depositories for all printed reports and publications made or issued by any territorial officer or department, and it is hereby made the duty of each territorial officer to forward to each of said depositories a copy of every such report or publication made or issued by him or by the department of which he is in charge

Sec. 1977 Property exempt. The following real property shall be exempt from real property taxes, real property belonging to and actually used by: *****

(5) Public library associations.

Sec 6083. Injury to books, etc. Any person who unlawfully or mali-

ciously cuts, tears, defaces, disfigures, soils, obliterates, breaks or destroys, any book, pamphlet, map, chart, picture, photograph, engraving, manuscript, statue, coin, medal, apparatus, specimen, or any work of literature or object of art or curiosity deposited in any public library, traveling library, gallery, museum, collection, fair or exhibition, or deposited in any such collection belonging to any incorporated college, or to any other institution devoted to educational, scientific, literary, artistic, historical or charitable purposes, shall be guilty of malicious injury and shall be punished by imprisonment for a term of not more than one year, or by a fine not exceeding one thousand dollars, or by both fine and imprisonment. [Hawaii Laws, 1927, p.10-11.]

Sec. 6084 Unlawful removal of books, etc. Any person who removes or assists in removing any book, pamphlet, map, chart, picture, photograph, engraving, manuscript, statue, coin, model, apparatus, specimen, or any work of literature, or object of art or curiosity deposited in any public library, traveling library, gallery, museum, collection, fair or exhibition, or deposited in any such collection, belonging to any incorporated college, or to any other institution devoted to educational, scientific, literary, artistic, historical or charitable purposes, except with the approval of the authorities of such institution, shall be punished by imprisonment for a term of not more than one year, or by a fine not exceeding one thousand dollars, or by both fine and imprisonment. [Hawaii Laws, 1927, p 11.]

Sec. 6085. Wilfully detaining books. Any person who wilfully and knowingly, without right and without cause, detains a book, newspaper, magazine, pamphlet or manuscript which belongs to any law, city, town or other public or incorporated library for thirty days after notice in writing from the librarian thereof, containing a copy of this section, given after the expiration of the time which by the regulations of such library, such book, newspaper, magazine, pamphlet, or manuscript may be kept, shall be punished by a fine of not more than fifty dollars.

(2) BISHOP MUSEUM

(Hawaii Rev. Laws, 1935, p 79, ch 2, s 44)

Sec 44. Depository for certain specimens and objects. Any specimen and object of natural history and of botanical, ethnological, or archaeological value or interest, and any book, treatise or pamphlet relating to natural history, botany, ethnology or archaeology now in the possession of the University of Hawaii, or any territorial department, bureau or board, or which may hereafter come into the possession of the university or any such department, bureau or board, if any when the same is no longer needed for scientific investigation, for study, or for any other purpose by the university or such department, bureau or board, and historical flags now in the archives building, may, at the request of the trustees of the Bernice

P. Bishop Museum of Polynesian Antiquities, Ethnology and Natural History, be transferred and delivered by and with the consent of such department, bureau or board having possession of any thereof to the trustees, or exchanged with such trustees, and thereupon, in any such case, the title thereto shall become vested in such trustees and shall be held by them upon the trusts and pursuant to the provisions set forth in that certain deed of trust between Charles R. Bishop and others and Samuel M. Damon and others, dated the 13th day of October, 1896, and of record in the registry of conveyances in volume 164, on pages 387-391, with reference to the museum; provided, that the specimens and objects so transferred to the trustees are made available at all reasonable times by the trustees for study and examination by the officials of the university or such department, bureau or board.

The provisions of chapter 16 shall not be held to apply to the specimens and objects enumerated in this section [L. 1921, c.196, ss.1, 2, R.L. 1925, p 2104; am.L. 1927, c.229, s.1.]

3. PANAMA CANAL ZONE

A. PANAMA CANAL LIBRARY

"Operated as a unit of the Executive Department of the Panama Canal and not as a municipal library The legal authority for the establishment of the library is contained in the authority granted to the governor of the Panama Canal in section 4 of the Panama Canal Act, approved August 24, 1912, * * * [U S Stats , v 37, pt 1, p.561; ch 390 (public 337), s 4.] Funds for the maintenance and operation of the library are secured by appropriations from congress in the annual appropriation act entitled 'An act making appropriations for the military and non-military activities of the War Department for the fiscal year ending June 30,—, and for other purposes'—'Non-military activities of the War Department'—'The Panama Canal.'"—Letter from C A McIlvaine, Exec Secy , the Panama Canal, dated 3-16-28

4. PHILIPPINE ISLANDS

A. PHILIPPINE LIBRARY AND MUSEUM

(1) GENERAL PROVISIONS

(P I Pub Laws, v 11 [1915-1916], p 161-164, No 2572)

Sec 1 Creation; control. Whenever, in the judgment of the governor-general the requirements of the efficiency and uniformity of the public service demand it, said governor-general is hereby authorized, subject to the limitations and powers hereinafter specified, to direct that the Philippine library, the division of the executive bureau known as "division of archives, patents, copyrights, and trade-marks," and the division of the Philippine assembly known as "law and library division," be consolidated into one bureau, to be known as the Philippine library and museum. Said Philippine library and museum shall be placed for administrative purposes under the control of the secretary of public instruction except as otherwise provided in section five of this act

Sec 2 Director; assistants. The Philippine library and museum shall have a director and such assistants as may be necessary and authorized by the governor-general, all of whom shall be appointed by the governor-general, by and with the consent of the upper house of the Philippine legislature, at such compensations as may be assigned to them, to be in force and effect until otherwise provided by the Philippine legislature

Sec 3 Powers; duties; functions; aims. The Philippine library and museum shall have the following powers, duties, functions and aims:

- (a) The preservation, increase, extension in Manila and the provinces, and improvement of the present Philippine library, so that it may respond to the growing needs of the culture and the people of the Philippine Islands,
- (b) The organization, preservation, equipment, and maintenance of a special administrative and legislative reference library, taking as basis the library of the Philippine assembly and the law division of the Philippine library, to be of aid to the several departments of the government and especially to both houses of the Philippine legislature, their committees or members, in the consideration, preparation, and drafting of their bills;
- (c) The acquisition, organization, preservation, administration, and increase, as the resources of the treasury may allow, of a museum

containing pictures, paintings, sculptures, portraits, photographs, maps, geographical charts, and all objects which, by reason of their archeological, artistic, scientific, or commemorative value should be permanently preserved as a memento of, and out of veneration for the great men of the country, as a testimony of the national history and culture, or for the benefit of culture in general;

- (d) The preparation, printing, and publication, or the printing, re-printing, and publication of prints, pamphlets, bibliographic catalogues, manuscripts, monographs, or any literary or scientific work deserving to be published in the interest of the government, of the public welfare, of the history of the Philippines, or of science and art in general;
- (e) The preservation, administration, classification, and registration of all public papers and documents of the government, letters patent, copyrights, and trade-marks, and, in general, all functions, powers, and duties, at present vested in the division of archives, patents, copyrights, and trade-marks of the executive bureau;
- (f) The organization of a system of filing, distributing, and exchanging publications and objects of art and natural history with such foreign countries as may wish to exchange such objects or publications.

Sec. 4 Transfer of appropriations, property, etc. In case the governor-general should decide to effect the consolidation herein prescribed, said governor-general shall be authorized to direct all unexpended appropriations, for salaries and wages and contingent expenses of the Philippine library, the second assistant executive secretary and the division of archives, patents, copyrights, and trade-marks of the executive bureau, and the law and library division of the Philippine assembly, as well as the unexpended balances of the appropriations for printing, except those for the *Diario de Sesiones* and the journal, and for the additional personnel appointed under act numbered twenty-two hundred and ninety-two of said Philippine assembly, to be placed at the disposal of and be available for expenditure by the director of the Philippine library and museum for any and all of the purposes of this act, as if such appropriations had been made for the Philippine library and museum. Said governor-general is authorized, further, to direct that all the books, archives, papers, documents, furniture, shelving, filing cases, stationery, and other utensils, objects, and property of any kind of the Philippine library, the division of archives, patents, copyrights, and trade-marks of the executive bureau, and the law and library division of the Philippine assembly shall become the property and be destined to the use of the Philippine library and museum, and all the present powers, duties, obligations and functions of the library board

and the librarian, as regards the Philippine library, of the committee on accounts and the secretary of the Philippine assembly, as regards the law and library division of said Philippine assembly, and of the executive secretary and the chief of the division of archives, patents, copyrights, and trademarks, as regards the said division shall be vested in and exercised by the Philippine library and museum

Sec. 5. Offices abolished; reorganization; personnel. As soon as the director of the Philippine library and museum has been appointed and the transfers provided for in this act have been made, the Philippine library, the division of archives of the executive bureau, and the law and library division of the Philippine assembly shall be abolished and the director of the Philippine library and museum shall, subject to the approval of the secretary of public instruction, organize his office, appoint the necessary personnel, and apportion the appropriations available as the necessities of the service may require. The present necessary personnel of the Philippine library and the divisions consolidated shall be available for appointment to the Philippine library and museum

Sec 6 Transfer of books, etc., of other offices. As soon as the Philippine library and museum is organized as herein authorized, the governor-general shall be empowered to direct that the pictures, paintings, photographs, books, documents, manuscripts, pamphlets, monographs, maps, and all objects of artistic, historical, or scientific value of any kind, of any bureau, office, or dependency of the government, which are not absolutely necessary for the work and current official use of the office, bureau, or dependency concerned, shall be transferred, with an inventory, to the Philippine library and museum, to be preserved and administered in the manner provided by this act.

Sec 7 Data and publications to be supplied. It shall be the duty of all departments, bureaus, offices, and dependencies of the government, and all municipalities and provinces to furnish without charge to the director of the Philippine library and museum all data or information that may be necessary for the performance of the duties prescribed by this act and to send to said Philippine library and museum at least fifty copies of all printed reports or documents published relative to their official work. And the printing establishment of the country shall also be obliged to send without charge to the Philippine library and museum at least two copies of each book, newspaper, or pamphlet printed or published by them, except in case of the registration of copyrights, in which the provisions of the law shall be complied with.

NOTE. The functions and duties of the division of archives, patents, copyrights, trademarks, and corporations were transferred to the bureau of commerce and industry by P. I. Pub. Laws, v. 13 [1917-1918], p 172-175, No 2728

(2) DAMAGE TO PROPERTY

(P. I Pub Laws, v9 [1912-1914], p 123, No. 2293)

Sec. 1. Any person who shall wilfully, maliciously, or wantonly tear, deface, mutilate, injure, or destroy any book, pamphlet, map, chart, engraving, print, picture, manuscript, or statue, or other property belonging to any division or collection of the Philippine library; or who shall take and carry away with intent to convert to his own use, any book, pamphlet, map, chart, print, picture, manuscript, statue, or other property of the said library, shall be punished by imprisonment for not more than six months or by fine not exceeding two hundred pesos, or at the discretion of the court by both, and shall be required also to return the property so taken or the value thereof, or pay the value of the property mutilated, injured, or destroyed: Provided, that should any of the acts punishable under this law be punishable under the penal code by a greater penalty, the penalty prescribed by the penal code shall be imposed.

(3) REGISTRATION OF CLERGYMEN

(Gen Orders, No 68, sec.V; as amended P I Laws, v 23 [1927-1928], p 326-329, No 3412, s 2)

Sec. V. Marriage may be solemnized by a judge of any court inferior to the supreme court, justice of the peace, or priest or minister of the gospel of any denomination or religion, provided the latter are duly registered in the Philippine library and museum, as provided in this section. Every priest or minister of the gospel authorized by his church, sect, or religion to solemnize marriage shall send to the Philippine library and museum, together with a copy of his appointment or authorization, a sworn statement setting forth his full name and domicile, and that he is authorized by his church, sect, or religion to solemnize marriage. The director of the Philippine library and museum, upon receiving such sworn statement containing the information required, and after satisfying himself that the church, sect, or religion of the applicant operates in the Philippine Islands and is in good repute, shall record the name of such priest or minister in a suitable register and issue to him a certificate of registration which such priest or minister shall be obliged to exhibit to contracting parties demanding the same or to their parents, grandparents, guardians, or persons in charge. No priest or minister not registered as hereinbefore provided may solemnize marriage

B SCHOLARSHIP IN LIBRARY SCIENCE

(P. I. Pub Laws, v.13 [1917-1918], p.193, No 2746.)

Sec. 1. The secretary of justice is authorized to appoint every two years, upon the recommendation of the board of regents of the University of the Philippines, not more than five students who shall have successfully

completed the course of library science in the college of liberal arts, to complete their studies in said science and in bibliographic science in a university of the United States designated by said secretary of justice.

C. PUBLIC DOCUMENTS

(U S Code, title 44, s.89, 164; U.S. Stats. at Large, v 36, p.168, 169, 172, par 326, 327, 346)

Sec. 89. Public documents to Philippine Library. The Superintendent of Documents is hereby authorized and directed to supply one copy of each document delivered to him for distribution to State and Territorial libraries and designated depositories to the library of the Philippine government, in the city of Manila, Philippine Islands; and the Public Printer is hereby directed to print, bind, and deliver to the Superintendent of Documents the extra number of documents required to comply with this section.

Sec. 164 Congressional Record to Governor General. The Public Printer is hereby authorized to furnish gratuitously to the Governor General of the Philippine Islands at Manila ten copies of the daily Congressional Record and three copies of all bills, resolutions, documents, and reports, as printed, and he is hereby directed to print, if necessary, the extra number required to comply with this section.

U. S. Stats at Large, v.36, ch.8, s9, Philippine Tariff of 1909. The following articles shall be free of duty upon importation thereof into the Philippine Island:

* * * * *

Par 326 Magazines, reviews, newspapers, and like published periodicals, Bibles and extracts therefrom, hymnals and hymns for religious uses, books and music in raised print used exclusively by the blind. * * * *Provided*, That complete books published in parts in periodical form shall not be classified under this paragraph.

Par 327 Public documents issued by foreign governments, correspondence, manuscripts, and typewritten documents * * *

Par. 346. Philosophical, historical, economic, and scientific books * * * for the bona fide use of and by the order of any college, academy, school, or seminary of learning in the Philippine Islands, or of any public library, and not for barter, sale or hire, subject to such regulations as shall be prescribed by the insular collector of customs.

5. PUERTO RICO

A. CARNEGIE LIBRARY OF PUERTO RICO

(1) GENERAL PROVISIONS

(P. R. Laws, 1917, v 2, p 234-241, No 20)

Sec. 1 Change of name. The Insular library of Puerto Rico located in the city of San Juan, in the building donated by Andrew Carnegie, situate in Puerta de Tierra and supplied by the people of Puerto Rico with the books, maps, documents and other equipment in said library contained belonging to the people of Puerto Rico, shall constitute and hereafter be known as the "Carnegie Library of Puerto Rico"

Sec 2 Trustees. The administration of the "Carnegie Library of Puerto Rico" shall be in charge of a board of trustees consisting of the commissioner of education, the commissioner of the interior and the chief justice of the supreme court Puerto Rico as ex officio members, and four other persons appointed by the governor, with the consent of the Insular senate, for a term of three years; and with the exception of the ex officio members no other person holding an office remunerated by the Insular or federal treasury, shall form part of the said board of trustees.

Sec 3 Librarian. The literary and technical management of the library, as well as the work and operation thereof, shall be in charge of the librarian or of the person who acts in his place, pursuant to rules and regulations issued by the board of trustees

Sec. 4 Officers of board. The board of trustees organized pursuant to the provisions of section 2 of this act, shall elect from among its members, a president, a vice-president, a secretary and a treasurer.

Sec 5. Use of library; loans. The members of the legislature, the heads of the executive departments of the Insular government, the justices of the supreme court and the judges of the district courts and the fiscals thereof shall be entitled to the use of the books of the Carnegie library, and to take them out of the said library for a period not exceeding thirty days; provided, that the librarian or the person who acts in his stead, is hereby authorized to permit all responsible persons to draw books from the library and use them outside thereof, and to prescribe rules and regulations for the operation of the library in this respect. Persons who neglect to return the books within the period of time specified in the said rules and regulations shall be punished by fine to be determined by the board

of trustees with the advice of the librarian. The proceeds of such fines shall be expended in the purchase of books, reviews and newspapers for the library

In no case shall books comprised in the following enumeration be permitted to be taken out of the library :

- I. Incunabula.
- II Books printed in any country from 1457 to 1600
- III Books printed in Spain from 1474 to 1650
- IV Books printed in Puerto Rico from 1808 to 1840
- V. Copies of exhausted editions unless there is more than one copy of the same book in the library.
- VI Neither shall any person be permitted to take any book out of the library, if such person is suffering from any contagious disease or has any other person suffering from such disease in his home

Upon the return of books taken from the library, pursuant to this section, they shall be immediately examined by some employee of the library so as to investigate whether or not there is any mutilation of the book ; provided, that wilful mutilation of books shall be punished by fine of not less than \$50 or by imprisonment for a term of not less than 20 days.

Books returned to the library shall be immediately disinfected by the most rapid, efficient and simple methods.

Sec. 6 Transfer of property, etc. Upon the qualification and organization of the board of trustees herein provided, the trustees and officers of the Insular library of Puerto Rico shall transfer to the said board all books, documents, registries, and other belongings of the Insular library, as well as all the appropriations made by the legislature for the expenses of the said library, and any unused balance of the aforesaid appropriation shall be available for the requirements of the "Carnegie Library of Puerto Rico," to be disbursed by the treasurer of the board of trustees.

Sec 7. Employees. The employees of the Insular library, hereby constituted, and to be known as the "Carnegie Library of Puerto Rico," shall, upon the approval of this act, be covered into the classified civil service, and, therefore, any vacancy that may occur shall be filled upon previous examination, unless the said office is filled by strict promotion according to rank from the personnel of the library ; provided, that to fill the vacancies that may occur in the positions of librarian and assistant librarian, either temporarily or permanently, the following qualifications shall be indispensable (1) To have resided in Puerto Rico for at least two years prior to the date of appointment ; (2) to have a knowledge of the Spanish and English languages, and (3) to have had at least two years' practice in modern library work ; and provided, further, that the said positions of

librarian or assistant librarian shall not be vacant for a longer period than six months if there are candidates qualified to fill the said office according to the provisions of this act.

Sec. 8. Repeal. All laws or parts of laws, decrees, resolutions, etc., in whole or in part, incompatible with the provisions of this act or in conflict herewith, are hereby repealed.

(2) HISTORIAN OF PUERTO RICO

(P. R. Laws, 1913, p.129, No.76)

Sec 1. Office created. That there is hereby created in the Insular library of Puerto Rico the office of historian of Puerto Rico, to be filled by a person appointed by the governor with the advice and consent of the executive council.

Sec. 2. Duties; publications; compensations. That it shall be the duty of the historian of Puerto Rico to compile each year a chronicle of political, scientific, judicial, literary, religious, legislative, social and economical events worthy of record and of public importance occurring in Puerto Rico during each year. The manuscript containing said historical record shall be the property of the people of Puerto Rico and be deposited in the Insular library, and shall be prepared in such form that printed copies of the same may be published from time to time, whenever provision may have been made by the legislative assembly for such publication, such printed copies to be either distributed free of charge, or sold, as the Insular library board shall deem advisable, and in case of sale, the proceeds thereof shall be deposited in the treasury of Puerto Rico.

The said historian of Puerto Rico shall receive compensation at the rate of fifteen hundred dollars per annum, payable from any funds in the treasury of Puerto Rico not otherwise appropriated, which amount is hereby appropriated for the fiscal year 1913-14.

B. CAPITOL LIBRARY

(P R. Laws, 1923, p.230-235, No.28.)

Sec. 1 Created. A library is hereby founded which shall be called the "Capitol Library."

Sec. 2. Commission; election. The government and administration of this library, as well as the funds appropriated therefor and the property constituting the same, shall be in charge of a joint commission composed of six members, three of whom shall be elected by the senate and three by the house of representatives, from among their members, at the inaugural session of each legislature.

Sec. 3. Same; terms; officers; librarian. The commissioners shall hold office for the same term for which they have been elected members of their respective house [s], or until their successors have been elected.

They shall receive no compensation for their services as members of said commission. Within five days following their designation they shall hold their inaugural session at which they shall organize by electing a president, a vice-president and a secretary from among their number, and at the same session they shall appoint a librarian who shall have the duties and receive the compensation hereinafter provided, and, subject to the provisions of this act, shall promulgate regulations for the execution of this act, provided, that the person appointed as librarian shall be one, who, in the judgment of the commission, has sufficient knowledge of the direction and administration of public libraries or who holds a library diploma issued by a duly accredited college.

Sec. 4. Same; duties; librarian; assistants. The president of the commission shall preside at all the sessions thereof, and shall see that this act and the regulations promulgated hereunder by the commission are complied with

The vice-president shall act in place of the president in case of absence or resignation of the latter. The secretary shall keep a minute book, wherein he shall enter the minutes of the sessions and resolutions of the commission, which minutes shall be signed by him and by the president. The librarian shall hold office during observance of good conduct and a compliance with his duties, and receive an annual compensation of three thousand (3,000) dollars, payable monthly, and in addition to those duties assigned to him by the regulations he shall have the following duties:

- (a) He shall have under his immediate custody the property of the library of which he shall keep an exact and complete inventory;
- (b) He shall enforce the regulations so far as they relate to the use of the library and to other matters coming under his jurisdiction;
- (c) Before entering upon the discharge of his duties, he shall give a mortgage bond, or a personal or cash bond in favor of the people of Puerto Rico to guarantee the faithful performance of his official duties and such damages as may be due to his negligence, action or omission in the keeping and preservation of the property under his charge, which bond shall be executed for an amount equal to twenty (20) per cent of the inventory value of the aforesaid property, and said bond shall not be effective until it has been approved by the attorney general and by the commission;
- (d) In accord with the commission and with its approval, he shall appoint the assistants and subordinate employees who shall be necessary for the proper service of the library, whose compensation shall be fixed by the commission, with the approval of the legislature; provided, that the compensation of no employee shall in any case exceed six hundred (600) dollars per annum and that the said employees shall have duties as the regulations may prescribe, the librarian being responsible for their acts.

Sec. 5. Quarters. The library shall be installed in suitable quarters in the capitol building which shall be equally accessible to both branches of the legislature.

Sec. 6. Publications to be supplied. The executive secretary of Puerto Rico shall furnish free of charge to the library within thirty days after the date upon which this act takes effect, twenty volumes of the compiled statutes of Puerto Rico (printed by the Government Printing Office in Washington, D. C), and an equal number of volumes of laws of each year published since 1912, and an equal number of volumes of the decisions of the supreme court of Puerto Rico, as well as the annual reports of the governor and other officers of the government, and in future he shall furnish an equal number of volumes of the laws, decisions and reports hereinbefore mentioned, as they are published.

Sec. 7. Acquisition of books, etc.; exchanges. The library commission shall have, and is hereby empowered to acquire, through purchase or by donation, books, furniture and everything that in its opinion may be necessary for the proper equipment of the library, and it shall provide for exchange of books and publications with similar institutions and with the proper officers of the national, state and territorial government of the United States and foreign countries

Sec. 8. Libraries absorbed. The library of the supreme court shall form a part of the capitol library, as well as any law library that may be donated to the capitol library by private persons or by the bar association

Sec. 9. Documents for exchange. For the exchange of books and publications the executive secretary shall place at the disposition of the commission free of charge three hundred volumes of each of the official publications of the government of Puerto Rico and of the different departments and officers thereof

Sec. 10. Budget; expenditures. In due time the commission shall prepare an estimate of the appropriations necessary for the support and development of the library and shall submit it to the governor, to the senate and to the house, so that the said appropriation may be included in the general and current budgetary appropriations, provided, however, that the commission is hereby empowered to expend the appropriations made in this act exclusively for the compensation of the employees, for the equipment and repair of quarters, acquisition of furniture and books and such other things as may be necessary for the operation of the library, and an account of the expenditure of the said appropriation shall be rendered to the legislative assembly.

Sec. 11. Appropriation. To carry out the provisions of this act, there is hereby appropriated the sum of ten thousand (10,000) dollars out of any funds in the treasury not otherwise appropriated.

Sec. 12. Repeal. All laws or parts of laws in conflict herewith or with any of the provisions hereof are hereby repealed.

C. HISTORICAL ARCHIVE

(P R Laws, 1919, p 398-401, No 64)

D. DISTRICT COURTS LIBRARIES

(P R Rev Stats and Codes, 1911, p.267, s 1314-1315; P.R Laws, 1938, p 162, Act 55, s 1-6; U.C. Code Anno 1928, Title 48, p.281, s 868.)

E. MUNICIPAL LIBRARIES

(P R Rev Stats and Codes, 1911, p 351, s 1821 (part))

F. MISCELLANEOUS PROVISIONS

(1) DISTRIBUTION OF PUBLIC DOCUMENTS

(P.R. Rev Stats and Codes, 1911, p 507-508, s 2709 (Pol Code, s.46) , amended by P R Laws, 1916, p 109-110, No 55, s 1; P R Laws, 1930, p 124, Act No 2, s 1-3; *Ibid* Act. No 21, s 1-5, Laws, 1938, p 362, Act No 178, s.1-4)

(2) TAX EXEMPTION

(P R Rev. Stats and Codes, 1911, p 551-552, s 2943 (b) (k))

(3) TARIFF REGULATIONS

(U S Code, 1928, Title 48, p 238, s 739)

Sec 739 Duties on foreign imports; books and pamphlets in English language. * * * All books and pamphlets printed in the English language shall be admitted into Puerto Rico free of duty when imported from the United States. [April 12, 1900, c.191, s 2, 31 Stat. 77.]

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